

**DR. RAJENDRA PRASAD:
CORRESPONDENCE AND SELECT DOCUMENTS**



DR. RAJENDRA PRASAD

DR. RAJENDRA PRASAD: CORRESPONDENCE AND SELECT DOCUMENTS

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VALMIKI CHOUDHARY



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PREFACE

It gives me great pleasure in presenting the Eighth Volume of Dr. Rajendra Prasad's *Correspondence and Select Documents* before the reading public. The volume deals with the period from 1st January 1948, when Rajendra Babu became the Congress President for the third time while simultaneously holding the office of the President of the Constituent Assembly, to 31st March 1948.

The partition of the country in 1947 created a great divide between Hindus and Muslims of the country. Though the country became independent, it had also to suffer the traumatic experience of partition. For Gandhiji it was a negation of all the values that he had cherished and for which he had fought throughout his life. By using his non-violent weapon of Satyagraha, he had brought about a change of heart in millions of his countrymen in the past. If he were to launch such an experiment this time, was he going to succeed? He had no doubt in his mind on this score. And he did succeed in repeating the old miracle by restoring sanity among his countrymen both in Calcutta and later in Delhi even though times and circumstances had vastly changed.

Came 30 January 1948. A tragic event shook the world. A misguided Hindu youth pumped three bullets into Gandhiji's body while he was on his way to the prayer ground for his evening prayer. One day before his assassination, in an article which turned out to be his last will and testament published in his weekly *Harijan* (after he had passed away), Gandhiji had advised that the Indian National Congress in its existing form should be wound up and converted into a Lok Sevak Sangh. The full text of the article which appeared in *Harijan* is reproduced below:

THE LAST WILL AND TESTAMENT

Though split into two, India having attained political Independence through means devised by the Indian National Congress, the Congress in its present shape and form, i.e., as a propaganda vehicle and parliamentary machine, has outlived its use. India has still to attain social, moral and economic independence in terms of its seven hundred thousand villages as distinguished from its cities and towns. The struggle for the ascendancy of civil over military power is bound to take place in India's progress towards its democratic goal. It must be kept out of unhealthy competition with political parties and communal bodies. For these and other similar reasons, the A.I.C.C. resolves to disband the existing Congress organisation and flower into a Lok Sevak Sangh under the following rules

with power to alter them as occasion may demand.

Every Panchayat of five adult men or women being villagers or village-minded shall form a unit.

Two such contiguous Panchayats shall form a working party under a leader elected from among themselves.

When there are one hundred such Panchayats, the fifty-first grade leaders shall elect from among themselves a second grade leader and so on, the first grade leaders meanwhile working under the second grade leader. Parallel groups of two hundred Panchayats shall continue to be formed till they cover the whole of India, each succeeding group of Panchayats electing second grade leader after the manner of the first. All second grade leaders shall serve jointly for the whole of India and severally for their respective areas. The second grade leaders may elect, whenever they deem necessary, from among themselves a chief who will, during pleasure, regulate and command all the groups.

(As the final formation of Provinces or districts is still in a state of flux, no attempt has been made to divide this group of servants into Provincial or District Councils and jurisdiction over the whole of India has been vested in the group or groups that may have been formed at any given time. It should be noted that this body of servants derive their authority or power from service ungrudgingly and wisely done to their master, the whole of India.)

1. Every worker shall be a habitual wearer of Khadi made from self-spun yarn or certified by the A.I.S.A. and must be a teetotaler. If a Hindu he must have abjured untouchability in any shape or form in his own person or in his family and must be a believer in the ideal of inter-communal unity, equal respect and regard for all religions and equality of opportunity and status for all irrespective of race, creed or sex.

2. He shall come in personal contact with every villager within his jurisdiction.

3. He shall enrol and train workers from amongst the villagers and keep a register of all these.

4. He shall keep a record of his work from day to day.

5. He shall organise the villages so as to make them self-contained and self-supporting through their agriculture and handicrafts.

6. He shall educate the village folk in sanitation and hygiene and take all measures for prevention of ill health and disease among them.

7. He shall organise the education of the village folk from birth to death along the lines of Nai Talim, in accordance with the policy laid down by the Hindustani Talimi Sangh.

8. He shall see that those whose names are missing on the statutory voters' roll are duly entered therein.

9. He shall encourage those who have not yet acquired the legal qualification, to acquire it for getting the right of franchise.

10. For the above purposes and others to be added from time to time, he shall train and fit himself in accordance with the rules laid down by the Sangh for the due performance of duty.

The Sangh shall affiliate the following autonomous bodies:

1. All-India Spinners' Association.
2. All-India Village Industries Association.
3. Hindustani Talimi Sangh.
4. Harijan Sevak Sangh.
5. Go-seva Sangh.

Finance

The Sangh shall raise finances for the fulfilment of its mission from among the villagers and others, special stress being laid on collection of poor man's pice.

—M.K. Gandhi (New Delhi, 29-1-48)

The course that Gandhiji wanted the Congress to follow showed his foresightedness and indicated the direction in which the Congress, after attaining independence for the country, should work for removing the grinding poverty and unemployment of the nation. And this, Gandhiji was clear in his mind, could be achieved only through *Lok Shakti* and not through *Raj Shakti* or political power. However, the Congress leadership held different views. They held that only under Gandhiji's leadership was it possible to succeed in achieving the goal he had set before the Congress and that, in his absence from the scene, the only way for them to work for that goal was through the political power that had come into their hands. They of course proved wrong.

The difference of approach to issues and events between Gandhiji and the Congress leadership had surfaced for some time past, leading to acceptance by the Congress leadership of the partition of the country to which Gandhiji was totally opposed till the end.

After independence, Gandhiji wanted the Congress organisation to be run by the second line of leaders. He had in view the names of Jayaprakash Narayan and Acharya Narendra Deva, the two Socialist leaders in the Congress, for the purpose. When Acharya J.B. Kripalani resigned towards the end of 1947 from the Congress Presidentship owing to his differences with the leaders of the Congress Party who had joined the Government, Gandhiji suggested the names of these two leaders, in whom he had great confidence, for the Presidentship of the Congress. Jayaprakash Narayan and Acharya Narendra Deva had given their wholehearted support to the Congress and also worked under the guidance of Gandhiji till his death. But instead of sounding either of these leaders, Sardar Patel and Pandit Nehru requested Dr. Rajendra Prasad to take over the Presidentship of the Congress besides continuing as the President of the Constituent Assembly.

Rajendra Babu, who was also Minister of Food and Agriculture at that time, agreed to accept the responsibility only if he was relieved of his duties both as

Minister and as the President of the Constituent Assembly. Sardar Patel and Pandit Nehru contended that while he could be relieved as Minister of Food and Agriculture as soon as a suitable person was found, he would have to continue as the President of the Constituent Assembly. Gandhiji wanted Rajendra Babu to continue as Minister of Food and Agriculture and also as the President of the Constituent Assembly but advised him to accept the Congress Presidentship when he found that Sardar Patel and Pandit Nehru did not favour Jayaprakash Narayan or Acharya Narendra Deva to take up that responsibility. This will be clear from letter No. 124 on page 130 of the Seventh Volume of this series.

However, as Congress President Dr. Rajendra Prasad obtained the cooperation of Jayaprakash Narayan and Acharya Narendra Deva, as will be clear from the letter that he wrote to Jayaprakash Narayan on January 1, 1948, with which this volume begins.

For the preparation of the draft concerning Central and State administrative matters, the Constituent Assembly had appointed several high-powered Committees. Their recommendations are given in this volume. During the framing of the Constitution, the recommendations and suggestions given by the constitutional experts of the Constituent Assembly are valuable material for the historian although the Constitution as it finally emerged did not in every respect reflect those recommendations.

The arrangement of the correspondence and other documents in the volume follows the pattern of the preceding volumes. Correspondence—Part I includes letters written by or written to Dr. Rajendra Prasad, while Correspondence—Part II contains letters exchanged between others, copies of which were sent to him for information, advice and action. Other miscellaneous documents of contemporary importance have been given in the Appendices in two parts: Part I includes recommendations of the various Committees appointed by the Constituent Assembly of India, while Part II includes articles, speeches and statements by various leaders as also some letters written in Hindi.

VALMIKI CHOUDHARY

A 119 Pandara Road
New Delhi-3
24 June 1987

CONTENTS

Preface

CORRESPONDENCE—PART I

1. To Jayaprakash Narayan	1 January 1948	3
2. To Nawab Mohd. Ismail Khan	1 January 1948	3
3. To Jawaharlal Nehru	1 January 1948	4
4. To Vallabhbhai Patel	2 January 1948	4
5. To Budh Singh	2 January 1948	5
6. From Nawab Mohd. Ismail Khan	7 January 1948	5
7. From Dr. Sachchidananda Sinha	11 January 1948	6
8. To Jawaharlal Nehru	11 January 1948	7
9. From Jawaharlal Nehru	11 January 1948	8
10. From Harekrushna Mahtab	12 January 1948	8
11. From Jawaharlal Nehru	12 January 1948	10
12. From Jawaharlal Nehru	12 January 1948	11
13. To Jawaharlal Nehru	13 January 1948	11
14. To Jawaharlal Nehru	13 January 1948	12
15. From Dr. P.C. Ghosh	14 January 1948	12
16. To Abul Kalam Azad	14 January 1948	13
17. From Vallabhbhai Patel	14 January 1948	14
18. From Ravi Shankar Shukla	15 January 1948	14
19. To Govind Ballabh Pant	16 January 1948	15
20. To B.G. Kher	16 January 1948	16
21. To Dr. Bidhan Chandra Roy	16 January 1948	16
22. To Surendra Mohan Ghosh	16 January 1948	17
23. From Dr. Nalinaksha Sanyal	16 January 1948	17
24. From Dr. M.A. Rauf	17 January 1948	19
25. To Harekrushna Mahtab	19 January 1948	19
26. To Jawaharlal Nehru	19 January 1948	21
27. From Jawaharlal Nehru	19 January 1948	22
28. From Jawaharlal Nehru	20 January 1948	23
29. From Ravi Shankar Shukla	20 25 January 1948	24
30. From H.V.R. Iengar	21 January 1948	24
31. To Jawaharlal Nehru	21 January 1948	25
32. To Jawaharlal Nehru	21 January 1948	26
33. To Vallabhbhai Patel	22 January 1948	27

34. To Jawaharlal Nehru and Vallabh- bhai Patel	22 January 1948	29
35. From Jawaharlal Nehru	22 January 1948	31
36. From Jawaharlal Nehru	22 January 1948	32
37. To Ravi Shankar Shukla	22 January 1948	32
38. From V.K. Krishna Menon	24 January 1948	33
39. From Vallabhbhai Patel	24 January 1948	33
40. From Jawaharlal Nehru	25 January 1948	34
41. From Dr. Sachchidananda Sinha	26 January 1948	36
42. To Vallabhbhai Patel	26 January 1948	40
43. From Harekrushna Mahtab	27 January 1948	41
44. From Bhimsen Sachar	28 January 1948	43
45. From Dr. Bidhan Chandra Roy	28 January 1948	44
46. To Dr. Sachchidananda Sinha	28 January 1948	45
47. From Vallabhbhai Patel	28 January 1948	46
48. To Dr. Syama Prasad Mookerjee	29 January 1948	48
49. From Dr. Sachchidananda Sinha	1 February 1948	48
50. From Nanik G. Motwane	2 February 1948	50
51. To Vallabhbhai Patel and Jawa- harlal Nehru	4 February 1948	50
52. From Vallabhbhai Patel	5 February 1948	53
53. To Jawaharlal Nehru	6 February 1948	55
54. To Harekrushna Mahtab	7 February 1948	57
55. From Jawaharlal Nehru	7 February 1948	58
56. From Srish Chandra Banerjee	7 February 1948	59
57. To Dr. Sachchidananda Sinha	7 February 1948	60
58. From Vallabhbhai Patel	8 February 1948	61
59. From A.K. Ghose	9 February 1948	61
60. To Jawaharlal Nehru	9 February 1948	62
61. To Dr. Bidhan Chandra Roy	9 February 1948	63
62. From Vallabhbhai Patel	9 February 1948	63
63. From Dr. Bidhan Chandra Roy	10 February 1948	65
64. From Vallabhbhai Patel	10 February 1948	68
65. From Dr. Sachchidananda Sinha	10 February 1948	69
66. To Vallabhbhai Patel	11 February 1948	70
67. From Padampat Singhanian	13 February 1948	70
68. From Horace Alexander	13 February 1948	75
69. From J.C. Gupta	13 February 1948	76
70. From Harekrushna Mahtab	13 February 1948	77
71. To Dr. Bidhan Chandra Roy	14 February 1948	79
72. From Harekrushna Mahtab	14 February 1948	80
73. To Vallabhbhai Patel	14 February 1948	82
74. To Dr. Gopichand Bhargava	15 February 1948	82
75. To Jawaharlal Nehru	15 February 1948	84

76. To Dr. Bidhan Chandra Roy and Surendra Mohan Ghosh	16 February 1948	85
77. From Jawaharlal Nehru	16 February 1948	86
78. From Jawaharlal Nehru	16 February 1948	87
79. From Jawaharlal Nehru	16 February 1948	87
80. To Jawaharlal Nehru	16 February 1948	88
81. To Jawaharlal Nehru	16 February 1948	88
82. To Harekrushna Mahtab	16 February 1948	90
83. From Jawaharlal Nehru	16 February 1948	91
84. From Jawaharlal Nehru	17 February 1948	91
85. From Jawaharlal Nehru	17 February 1948	92
86. From Kalipada Mookerji	18 February 1948	92
87. To Harekrushna Mahtab	18 February 1948	93
88. To P.B. Rangacharya	18 February 1948	94
89. From Bhimsen Sachar	18 February 1948	94
90. From Mahant Kundha Singh	18 February 1948	97
91. From the Secretary, Khalsa Dewan, Bhatinda	18 February 1948	97
92. From the President, City Akali Jatha, Patiala	18 February 1948	98
93. From Hazara Singh Jathedar	18 February 1948	98
94. From the Secretary, Sikh Sangat, Ferozpur	18 February 1948	98
95. From Pala Singh Jathedar	19 February 1948	99
96. From the Secretary, Akali Jatha, Jullundur	19 February 1948	99
97. From Mastan Singh	19 February 1948	99
98. From Mahant Sucha Singh	19 February 1948	100
99. From Dr. M.A. Rauf	19 February 1948	100
100. From Ram Singh Jathedar	19 February 1948	101
101. From the Secretary, Gurdwara Gardhiwala	19 February 1948	101
102. From Jawaharlal Nehru	19 February 1948	101
103. From Jawaharlal Nehru	19 February 1948	102
104. To Vallabhbhai Patel	20 February 1948	103
105. From Govind Ballabh Pant	20 February 1948	104
106. To Shankarrao Deo	20 February 1948	104
107. From Harekrushna Mahtab	20 February 1948	106
108. From Dr. Radhakumud Mookerji	20 February 1948	106
109. From Harekrushna Mahtab	20 February 1948	107
110. From Vallabhbhai Patel	20 February 1948	108
111. To Dr. Gopichand Bhargava	21 February 1948	108
112. From J.C. Gupta	21 February 1948	108
113. To G.D. Birla	22 February 1948	109

114. From Dr. Gopichand Bhargava	22/23 February 1948	110
115. From Dr. Bidhan Chandra Roy	23 February 1948	111
116. To Dr. Bidhan Chandra Roy	25 February 1948	115
117. From Dr. Gopichand Bhargava	25 February 1948	116
118. From Dr. Gopichand Bhargava	25 February 1948	117
119. From Vallabhbhai Patel	25 February 1948	118
120. To Dr. Gopichand Bhargava	25 February 1948	119
121. To Jawaharlal Nehru	26 February 1948	119
122. To C. Rajagopalachari	28 February 1948	121
123. To Vallabhbhai Patel	28 February 1948	121
124. From Govind Ballabh Pant	1 March 1948	122
125. From C. Rajagopalachari	2 March 1948	122
126. From Jawaharlal Nehru	2 March 1948	123
127. To H.V.R. Iengar	2 March 1948	123
128. From Rameshwar Agnibhoj	3 March 1948	124
129. From N.K. Sen	3 March 1948	125
130. To Govind Ballabh Pant	4 March 1948	130
131. From Dr. Bidhan Chandra Roy	5 March 1948	131
132. From Shaikh Mohammad Jan	6 March 1948	131
133. From Sarat Chandra Dutt	7 March 1948	132
134. From Jawaharlal Nehru	10 March 1948	138
135. From Dr. Gokul Chand Narang	10 March 1948	138
136. To Dr. Bidhan Chandra Roy	10 March 1948	139
137. To Rameshwar Agnibhoj	11 March 1948	140
138. From K.G. Biswas	12 March 1948	141
139. From Dr. Panjabrao Deshmukh	12 March 1948	141
140. From Jitendra Lal Goswami	13 March 1948	143
141. From Dr. Gopichand Bhargava	15 March 1948	145
142. From Govind Ballabh Pant	16 March 1948	145
143. To Dr. M.A. Rauf	17 March 1948	146
144. To Govind Ballabh Pant	18 March 1948	147
145. To Shaikh Mohammad Jan	18 March 1948	147
146. From Jawaharlal Nehru	18 March 1948	148
147. From Hiralal Bose	19 March 1948	148
148. To K.C. Neogy	19 March 1948	149
149. To Jawaharlal Nehru	19 March 1948	150
150. To Sir B.N. Rau	19 March 1948	151
151. To Jawaharlal Nehru	19 March 1948	153
152. From Dr. Bidhan Chandra Roy	19 March 1948	154
153. From Dr. Bidhan Chandra Roy	19 March 1948	154
154. From Dr. Sachchidananda Sinha	19 March 1948	155
155. To Govind Ballabh Pant	20 March 1948	157
156. To Dr. Gopichand Bhargava	21 March 1948	158
157. From Dr. Sachchidananda Sinha	22 March 1948	158

158. To K.S. Venkataramani	22 March 1948	159
159. To Dr. Sachchidananda Sinha	22 March 1948	160
160. To Dr. Gokul Chand Narang	22 March 1948	161
161. To Jagjivan Ram	22 March 1948	161
162. From Jawaharlal Nehru	22 March 1948	162
163. To Dr. Bidhan Chandra Roy	25 March 1948	162
164. From Parkash Chandra	27 March 1948	164
165. From Shankarrao Deo	27 March 1948	166
166. From Jawaharlal Nehru	27 March 1948	167
167. To Abul Kalam Azad	27 March 1948	168
168. To Jawaharlal Nehru and Vallabh- bhai Patel	28 March 1948	171
169. From Dr. M.A. Rauf	29 March 1948	172
170. From Shankarrao Deo	29 March 1948	172
171. From Hiralal Bose	29 March 1948	174
172. To Shankarrao Deo	31 March 1948	174
173. From Vallabhbhai Patel	31 March 1948	175
174. From T. Prakasam	31 March 1948	175

CORRESPONDENCE—PART II

1. From Vallabhbhai Patel to B.G. Kher	8 January 1948	179
2. From Jawaharlal Nehru to Vallabh- bhai Patel	11 January 1948	179
3. From Vallabhbhai Patel to Jawa- harlal Nehru	12 January 1948	183
4. From A.K. Ghose to Dr. P.C. Ghosh	12 January 1948	186
5. From Jawaharlal Nehru to Vallabh- bhai Patel	13 January 1948	187
6. From Vallabhbhai Patel to Mahatma Gandhi	13 January 1948	188
7. From B.G. Kher to Vallabhbhai Patel	13 January 1948	189
8. From Dr. P.C. Ghosh to Dr. Bidhan Chandra Roy	14 January 1948	190
9. From the Secretary, Government of Bihar, to mining lease holders in Bihar	15 January 1948	190
10. From Raja Bahadur Kamakhya Narayan Sinha to Mahatma Gandhi	20 January 1948	191
11. From Ranbir Singh Mehta to Mahatma Gandhi	29 January 1948	194

12. From J.C. Gupta to Dr. Bidhan Chandra Roy	29 January 1948	195
13. From J.C. Gupta to Dr. Bidhan Chandra Roy	4 February 1948	197
14. From Dr. Bidhan Chandra Roy to J.C. Gupta	4 February 1948	197
15. From Vallabhbhai Patel to Jawaharlal Nehru	6 February 1948	197
16. From Vallabhbhai Patel to Jawaharlal Nehru	6 February 1948	198
17. From Dr. Syama Prasad Mookerjee to Vallabhbhai Patel	10 February 1948	200
18. From Dr. Bidhan Chandra Roy to Vallabhbhai Patel	10 February 1948	200
19. From B.G. Kher to Vallabhbhai Patel	11 February 1948	201
20. From J.C. Gupta to Dr. Bidhan Chandra Roy	12 February 1948	202
21. From Vallabhbhai Patel to Dr. Bidhan Chandra Roy	13 February 1948	203
22. From J.C. Gupta to the Secretary, West Bengal Congress Assembly Party	16 February 1948	204
23. From Jagannath to Vallabhbhai Patel	17 February 1948	204
24. From J.C. Gupta to the Secretary Chief Whip of the West Bengal Congress Assembly Party	18 February 1948	206
25. From A.K. Ghose to J.C. Gupta	19 February 1948	206
26. From J.C. Gupta to Dr. Bidhan Chandra Roy	20 February 1948	206
27. From Jawaharlal Nehru to Vallabhbhai Patel	20 February 1948	207
28. From Vallabhbhai Patel to Jawaharlal Nehru	20 February 1948	208
29. From Sir J.P. Srivastava to Vallabhbhai Patel	21 February 1948	213
30. From Vallabhbhai Patel to Jawaharlal Nehru	21 February 1948	215
31. From Vallabhbhai Patel to Sir J.P. Srivastava	22 February 1948	215
32. From Dr. Bidhan Chandra Roy to Vallabhbhai Patel	23 February 1948	215

33. From Jawaharlal Nehru to Vallabh- bhai Patel	26 February 1948	216
34. From Vallabhbhai Patel to Jawa- harlal Nehru	27 February 1948	217
35. From Jawaharlal Nehru to Vallabh- bhai Patel	27 February 1948	219
36. From Rameshwar Agnibhoj to Jagjivan Ram	3 March 1948	221
37. From Sadiq Ali to all Provincial Congress Committees	4 March 1948	222
38. From Chakradhar Sharan to Sadiq Ali	10 March 1948	223
39. From Dr. Bidhan Chandra Roy to J.C. Gupta	23 March 1948	224
40. From J.C. Gupta to A.K. Ghose	26 March 1948	224
41. From T.N. Mallik to Dr. Bidhan Chandra Roy	29 March 1948	225

APPENDICES—PART I

1. Report of the Provincial Constitution Committee (presented on 14 July 1947)	229
2. Report of the Provincial Constitution Committee (presented on 15 July 1947)	230
3. Report of the Union Constitution Committee (presented on 21 July 1947)	238
4. Supplementary Report of the Union Constitution Committee (pres- ented on 21 July 1947)	260
5. Report of the Union Powers Committee	261
6. Report of the Provincial Constitution Committee (Principles of a Model Provincial Constitution), as adopted by the Constituent Assembly of India during the July 1947 session	271
7. Report of the Union Constitution Committee (Memorandum on the Indian Constitution), as adopted so far by the Constituent Assembly of India during the July-August 1947 session	279
8. Report of the Advisory Committee on the subject of Minority Rights (presented on 27 August 1947)	303
9. Supplementary Report of the Advisory Committee on the position of the Anglo-Indians in certain services and the grant of special educa- tional facilities for them (presented on 27 August 1947)	311
10. Report of the Committee on Functions of the Constituent Assembly of India under the Indian Independence Act, 1947 (presented on 29 August 1947)	316

11. Resolution adopted by the Constituent Assembly of India on the Report submitted by the Committee on Functions of the Constituent Assembly under the Indian Independence Act, 1947 (presented on 29 August 1947)	320
12. Supplementary Report of the Advisory Committee on the subject of Fundamental Rights	321
13. Report of the Expert Committee on Financial Provisions of the Union Constitution	324

APPENDICES—PART II

1. Minutes of a meeting of the Executive Committee held on 19 March 1947 at 1 Upper Wood Street, Calcutta, for organising a World Pacifist Meeting	383
2. Discussion at Constructive Works Committee meeting held in New Delhi on 11/12 December 1947	384
3. Memorandum to the Security Council, dated 1 January 1948, from the Indian Representative to the Security Council	390
4. Vallabhbhai Patel's statement to the Press dated New Delhi, the 12th January 1948	395
5. Government communique (as published in <i>The Hindustan Times</i> dated 16 January 1948)	399
6. Proceedings of a meeting of the West Bengal Congress Assembly Party held on 15 January 1948 (as published in the <i>Amrita Bazar Patrika</i> dated 16 January 1948)	401
7. Mahatma Gandhi's talk with Maj.-Gen. K.M. Cariappa at New Delhi on 18 January 1948	401
8. Speech by Mahatma Gandhi, before breaking fast at Birla House, New Delhi, on 18 January 1948	402
9. Speech by Mahatma Gandhi at a prayer meeting in New Delhi on 18 January 1948	405
10. Minutes of the All-India Pacifist Conference held at Rasulia Settlement, Hoshangabad, Central Provinces, on 19 January 1948	408
11. A note on the shifting of the A.I.C.C. office to Delhi	410
12. The A.I.C.C. office note on the Report of the Constitution Committee	410
13. Speech by Mahatma Gandhi at a prayer meeting in New Delhi on 25 January 1948	412
14. A letter from Ravi Shankar Shukla to Dr. Rajendra Prasad	414
15. A letter from Dwarka Prasad Misra to Dr. Rajendra Prasad	414
16. A statement by Dr. Syama Prasad Mookerjee on the passing away of Mahatma Gandhi	415
17. An article by Dr. Rajendra Prasad on Mahatma Gandhi, written for <i>Harijan</i>	415

18. Minutes of a meeting of the Executive Committee of the World Pacifist Meeting held at 1 Upper Wood Street, Calcutta, on 9 February 1948	416
19. Press statement by Jawaharlal Nehru on erection of memorials to Mahatma Gandhi	420
20. A letter from Dr. Rajendra Prasad to Valmiki Choudhary	420
21. Message from Dr. Rajendra Prasad on the death anniversary of Prof. Abdul Bari (published in <i>Mazdur Avaz</i>)	421
22. A letter from Dr. Rajendra Prasad to Valmiki Choudhary	422
23. A note by Sadiq Ali, Permanent Secretary, A.I.C.C., on the transfer of the A.I.C.C. office to Delhi	422
24. A letter from J.C. Gupta, M.L.A., West Bengal, requesting a newspaper to publish his correspondence with Dr. Bidhan Chandra Roy	424
25. An article by Dr. Sachchidananda Sinha	424
26. Extracts from certain documents	429
27. Quotations from Mahatma Gandhi	432
28. An open letter to the Prime Minister of India	433
<i>Index</i>	435

CORRESPONDENCE

PART I

1. *To Jayaprakash Narayan*

1 Queen Victoria Road*
New Delhi
The 1st January 1948

My dear Jayaprakash Babu,

Babu Ganga Sharan told you something about the Working Committee which I was proposing to form. I think personal consultation with you is necessary. I therefore wanted to contact you on the phone but I was told that there was no phone connection where you were staying and so I sent a telegram asking you to contact me and sent a message on the telephone. I do not know if my telegram and the message reached you, but we have had no contact. I am going to Burma tomorrow morning and will come back on the night of 7th or 8th. I shall be obliged if you could come over for a day about that time so that we might have a talk and then the Working Committee can be appointed. I have had a talk with Babu and he has approved of this course. I am sorry for this trouble to you, but I am afraid I cannot help giving you this trouble.

Yours sincerely,
Rajendra Prasad

Sjt. Jayaprakash Narayan
40 Ridge Road, Bombay.

*1 Queen Victoria Road occupied the site where Shastri Bhavan now stands. Queen Victoria Road has been renamed "Dr. Rajendra Prasad Road".

2. *To Nawab Mohd. Ismail Khan*

1 Queen Victoria Road
New Delhi
The 1st January 1948

My dear Nawab Sahib,

Please excuse me for the delay in acknowledging your letter. I was away on tour and returned here only two days ago.

I should be glad to come over and meet the University professors and students, but I feel some hesitation. There has been such a clear-cut difference in the viewpoints of people like myself and the staff and students of the University during recent times that I doubt if a visit from me can be of any use. So far as I am concerned, there has been no change in my viewpoint and I do not know if there has been any change on the other side. So anything that I may say there may have the effect of only emphasising the differences and I do not wish to do anything

which may have that effect. But if my assumption is wrong, the position may be different and I hope you will appreciate my difficulty. I owe it to you to make it clear before I accepted the suggestion so kindly made by you.

With kind regards,

Yours sincerely,
Rajendra Prasad

Nawab Mohd. Ismail Khan
Vice-Chancellor, Aligarh Muslim University
Aligarh.

3. To Jawaharlal Nehru

1 Queen Victoria Road
New Delhi
The 1st January 1948

My dear Jawaharlalji,

I shall be leaving early tomorrow morning. I shall, of course, convey to Burma our greetings and good wishes but perhaps it will be better if you gave me a short personal message in writing which I shall convey to them. I propose asking Gandhiji also to give me a similar message. I think it will be appropriate if I take a message from the Governor-General also. If you agree, kindly get one from him too.

Yours sincerely,
R. Prasad

The Hon'ble Pandit Jawaharlal Nehru
17 York Road, New Delhi.

4. To Vallabhbhai Patel

1 Queen Victoria Road
New Delhi
2nd January 1948

My dear Vallabhbhai,

I am enclosing a letter as also an account of work and a budget for six months of the Central Relief Committee which I have received from Srimati Sucheta Kripalani. I propose to ask the Working Committee of the Congress to appoint a Sub-Committee to deal with and disburse the Punjab Relief Fund. I understand

that you have been dealing with this fund up to now but that it has been arranged that it should be dealt with in future by a Sub-Committee appointed by the Working Committee. As it will be some time before the Working Committee meets, may I request you to deal with this demand in the same way as you have been dealing with such demands hitherto? This is necessary as otherwise the work of the Relief Committee will have to be held up. I hope you will kindly give consideration to the letter and make the grant in the way you have been doing.

Yours sincerely,
Rajendra Prasad

The Hon'ble Sardar Vallabhbhai Patel.

Enclosures not included.

5. To Budh Singh

1 Queen Victoria Road
New Delhi
2nd January 1948

Dear Friend,

I have received your letter dated the 13th November 1947 and thank you for your good wishes.

I am not aware of any proposal to open up branches of the Indian National Congress abroad. The present constitution of the Congress does not permit it. The Congress is naturally very keenly interested in the welfare of Indians abroad and does what it can to help them. But it has no organisation of its own in any other country and there is no proposal to start it anywhere outside India at present.

Yours sincerely,
Rajendra Prasad

Budh Singh, Esq.
President, Malayan Indian Congress
177 High Street, Kuala Lumpur.

6. From Nawab Mohd. Ismail Khan

Aligarh
7th January 1948

My dear Dr. Rajendra Prasad,

Many thanks for your kind letter of January 1st. I greatly appreciate your courtesy in telling me why you feel some hesitation in accepting the invitation

extended to you by me to visit our University and address the students and the staff. I am conscious that in the past there have been great differences of opinion between the viewpoints of the Congress leaders like yourself and the majority of students of this University on political issues, but may I point out to you that since the attainment of freedom and the partition of the country the outlook of the University students has undergone a great change and I therefore considered it desirable to invite eminent men like yourself to place their viewpoints before them. If I had the least doubt that you would not receive a cordial reception here I would not have requested you to visit the University. It is my firm conviction that the University students should have an opportunity of hearing all viewpoints before they form final opinion on political issues. I therefore venture to renew my invitation.

With kind regards,

Yours sincerely,
Mohd. Ismail Khan
Vice-Chancellor
Muslim University, Aligarh

Hon'ble Dr. Rajendra Prasad
1 Queen Victoria Road, New Delhi.

7. From Dr. Sachchidananda Sinha

Sinha Library Road
Post Box No. 62, G.P.O.
Patna
The 11th January 1948

My dear Rajendra,

I posted to you yesterday some cuttings (from the local dailies and others) to acquaint you with the situation obtaining in the Province. Another such cutting is enclosed herewith. It speaks for itself—I need make no comment. I have decided (knowing how intensely busier you are likely to be in future than even in the past) to send you cuttings from time to time on questions of public importance, and I hope, in that way, if in no other, I may still be of some little assistance to you in the discharge of your onerous and responsible duties.

You will be sorry to learn that the Province is completely demoralised here after what has happened in the Singhbhum district. I have seen in the newspapers that Sardar Patel is coming to Patna on the 26th. I wonder if you also can come with him even for a few hours to set things right. I hope, you may be able to do so.

Lastly, please let me know whether Lat is still on your staff and staying in the same house with you.

Hoping to hear from you at your convenience and trusting all well, I remain,
with my blessings and good wishes,

Ever yours affectionately,
S. Sinha

The Hon'ble Dr. Rajendra Prasad
President, Constituent Assembly of India
1 Queen Victoria Road, New Delhi.

Enclosure:

(A cutting from a newspaper)

SIR C.P.N. SINGH TO CONTINUE AS VICE-CHANCELLOR

PATNA, Dec. 31: It is authoritatively learnt that Sir C.P.N. Singh, Vice-Chancellor, Patna University, has received a letter from the Chief Secretary, Government of Bihar, requesting him on behalf of the Government of Bihar to continue as Vice-Chancellor. Ordinarily, Sir C.P.N. Singh's term as Vice-Chancellor would have expired today.

8. *To Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
The 11th January 1948

My dear Jawaharlalji,

During my visit to Burma I met a representative of Vietnam Government. He told me that his Government had approached India with a request that the Vietnam question might be raised by the Indian representative before the United Nations Organisation but that no reply had been received from India. His country expected help from India in the struggle which it is carrying on against the French imperialism. He said that about 90% of the country was in the control of the Vietnam Government while the ports and some other cities were under the control of the French. He said that there was a lot of rice available, at least 100,000 tons, which could be exported but as they had no control over the ports they could not export it. He pressed me to ask the Government of India to help the Vietnamese by stopping the passage of French planes and facilities of refuelling in India. He said, this had been done against the Dutch and the Vietnam Government expected this to be done in their case also because the French planes were also carrying military personnel and equipment. As he pressed this on me very

insistently, I am passing it on to you for such action as the Government may consider proper.

Yours sincerely,
Rajendra Prasad

Pandit Jawaharlal Nehru
Prime Minister, India.

9. *From Jawaharlal Nehru*

New Delhi
11 January 1948

My dear Rajendra Babu,

Thank you for your letter of the 11th about your meeting a representative of the Vietnam Government. You know that we fully sympathise with the struggle for freedom in Indo-China and we have expressed our public sympathy with Vietnam. It is not clear however how we can help them. We cannot raise this question in the U.N.O. as we are not members of the Security Council. We have however done our utmost to bring pressure on the French Government on this issue during the past few months and I believe that the French Government has been influenced by this pressure to some extent. But France is in a very difficult position internally and seems to be verging on civil war. There may be a dictatorship there or something else.

In the United Nations France has sided with us on important issues. In regard to French possessions in India also their attitude, though somewhat dilatory, is not unfriendly and we hope to arrive at some settlement before very long.

As for stopping the passage of French planes, we do not allow any military planes to go. If any military personnel is carried this must be done secretly and without our knowledge. We cannot stop civil planes without a breach of international law and our agreements.

Yours sincerely,
Jawaharlal Nehru

The Hon'ble Dr. Rajendra Prasad
1 Queen Victoria Road, New Delhi.

10. *From Harekrushna Mahtab*

Cuttack
The 12th January 1948

My dear Rajendra Babu,

I have been thinking of writing to you for some time past but I was wondering

whether it would be proper on my part to address you at any stage regarding the working of Congress organisations in the Provinces. But I think I have to write to you for, as it appears to me, things are moving adrift and ultimately the Congress cause may suffer. I would draw your personal attention to the fact and circumstances in which the Orissa States have been amalgamated with the Province. You know, we have been agitating for this unanimously for the last 10 years and much blood has been spilt over this question. Since 1938 all over the States and the Province there has all along been one slogan: **AMALGAMATION OF STATES WITH THE PROVINCE**. You will please remember that these small States had no sovereignty at any time but they were bolstered up by the British Government for their own purposes as has been admitted in several of their documents. If you have time I shall show you how I have moved from pillar to post, from Sir Stafford Cripps to Nawab of Bhopal, to have these small States differentiated from the rest in India and you will be interested to know that all without any exception have agreed that the Orissa States stand on a different footing. Now after the 15th of August when this question was taken up by the Dominion Government and when it was fairly clear that the States should be called upon to merge in the Province some of the Rulers very cleverly set up some popular leaders or purchased some of them to oppose amalgamation of the States with the Province. For this purpose nominal responsible government was given. In this all have failed except Mayurbhanj. There the leader of the Praja Mandal, Shri Sarat Chandra Das, has been appointed the Prime Minister by the Ruler and nominal responsible government has been granted but the feeling in Mayurbhanj is very much against him. Of course, I do not quarrel with him, and so long as the leaders do not agree, it is not desirable to quarrel with the Ruler. But you will please excuse me if I say that in these circumstances it is not fair either to the people or to us that you as the Congress President should write to Shri Sarat Chandra Das, Premier of Mayurbhanj, congratulating him on his manoeuvre and on the manoeuvre of the Ruler. Of course the general public will be led to think that you have been misled, but even then why should a chance be given to anybody to take advantage of your opinion for any purpose?

With regard to Seraikela and Kharsawan, I do not propose to discuss whether they should join with Orissa or with Bihar. Let me assume without admitting that Seraikela and Kharsawan ought to amalgamate with Bihar and the Dominion Government have placed their administrations temporarily in the hands of the Orissa Government, is it justified that the Bihar Congress leaders should start a public campaign against the Orissa Government which is run by Congress? I suppose you have seen the vituperations in the *Searchlight* and the reports of abusive speeches delivered by Shri Sri Krishna Sinha and Shri Binodanand Jha. They are my best friends. I do not understand how all of them lost their equilibrium and without any reference to me they began to abuse us in open meetings and in the Press. If the Provincial Governments run by the same political party behave in this way, what would happen if the Provinces are run by

diametrically opposite parties? Do not you think there has been something wrong in the organisation? I am glad to inform you that not a single word has been uttered against any of the Bihar leaders here in Orissa and I have taken steps to see that no bitter criticism is made either in the Press or on the platform against Bihar. The way in which the *Searchlight* has led the campaign and the way in which the Bihar Congress leaders have allowed themselves to speak lends support to the information that the Rulers of these two States have been machinating to evade the issue of amalgamation under some pretext or other. Do you know how the President of the Praja Mandal of Kharsawan was purchased and at what cost? I think you must have known that several industrial and business concerns are interested in the future of these two States and some of them are openly distributing money for their purposes. Whatever others might do, can we not as Congressmen restrain ourselves and submit to some arbitration? Today I hear on the radio that the Dominion Government are going to appoint an impartial tribunal to decide the question of Kharsawan and Seraikela. This has been promised and agreed to long ago. Why then was there so much agitation? If the Bihar Congress has the right to enquire into firings in areas under the administration of the Orissa Government, the Orissa Congress has got the similar right to enquire into the firings and murders which have taken place in Singhbhum since the last election and publish their opinion on the subject. Do you think, if the Orissa Congress does it, you will appreciate it?

I could not know whom to write to about these simple matters. I thought I would unburden myself by writing to you. Hope you will not mind it.

Yours sincerely,
H.K. Mahtab
Chief Minister, Orissa

The Hon'ble Dr. Rajendra Prasad
President, All India Congress Committee
6 Jantar Mantar Road, New Delhi.

11. From Jawaharlal Nehru

SECRET

New Delhi
The 12th January 1948

My dear Rajendra Babu,

In a letter sent to you today I mentioned the fact that we were having conversations with the French Government about the future of French possessions in India. Monsieur Levi, the French Ambassador, has gone to Paris with certain proposals and I hope that the outcome will be satisfactory. It seems

to me important that while these proposals are being discussed there should be no direct action movement in any of the French possessions in India. These possessions are Chandernagore, Pondicherry and Karaikal (not far from Pondicherry on the east coast). There is some talk of direct action in Karaikal.

It is not possible for us to approach the people in these places directly. I would be grateful if you could as Congress President help us in this business and suggest, privately of course, to the people of these French possessions that they should refrain from any direct or aggressive action pending our negotiations. They can, of course, make any constitutional demands they like. Perhaps you would get in touch with the Provincial Congress Committees which might have some contacts in these possessions.

Yours sincerely,
Jawaharlal Nehru

Dr. Rajendra Prasad.

12. From Jawaharlal Nehru

New Delhi
12th January 1948

My dear Rajendra Babu,

You have just come back from your visit to Burma where you represented the Government of India during the Independence celebrations. I would be very grateful if you could undertake a similar task in Ceylon. We have received invitations from the Ceylon Government to send our representatives for the Independence celebrations which begin on the 10th February and last a full week. The opening of Parliament there is on the 10th February. I think it is important that we should be represented by one of our topmost men, otherwise Ceylon will feel hurt. I suggest, therefore, that you should be the Government of India's special representative for this purpose. Giri who is our High Commissioner in Ceylon will assist you in this task. I hope you will agree. We shall make all the necessary arrangements.

Yours sincerely,
Jawaharlal Nehru

Dr. Rajendra Prasad.

13. To Jawaharlal Nehru

13 January 1948

My dear Jawaharlalji,

I have received your letter about the French possessions and have taken action

as suggested.

Yours sincerely,
R. Prasad

The Hon'ble Pandit Jawaharlal Nehru
Prime Minister of India
New Delhi.

14. *To Jawaharlal Nehru*

13 January 1948

My dear Jawaharlalji,

I have received your letter about my going to Ceylon as the representative of the Government of India to participate in their independence celebrations which commence on the 10th February. I had already made some engagements for the 10th February but I shall have to adjust my programme and I will go to Ceylon for a few days. I have to be at Wardha on the 7th and 8th February and I shall have to find out how I can get to Ceylon on the 9th February. I hope it will be possible to do it.

Yours sincerely,
Rajendra Prasad

Pandit Jawaharlal Nehru
Prime Minister, India
New Delhi.

15. *From Dr. P.C. Ghosh*

8 Theatre Road
Calcutta
14th January 1948

My dear Rajendra Babu,

I telephoned to you in the morning and read out the letter which I had written to Dr. Roy. After that I received the reply from Dr. Roy. I am sending you herewith a copy of the letter that I wrote to Dr. Roy* and the reply thereto† for your information. After I received Dr. Roy's reply I phoned to him that it was rather unfair to ask me to continue after election of the new leader. If he could not remain in Calcutta after the 14th for some days it was not proper to send this requisition and make me function ineffectively. Although Dr. Roy appreciated my difficulties, he could not help going to Delhi and remaining there for a few days on account of Mahatmaji's fast.

I hope you will be free from fever in a day or two.

With best regards,

Yours sincerely,
P. C. Ghosh
Chief Minister, West Bengal

P.S. Kindly show this letter to Jawaharlalji and Sardar.

Dr. Rajendra Prasad
President, Indian National Congress
6 Jantar Mantar Road, New Delhi.

*See the letter from Dr. P.C. Ghosh to Dr. B.C. Roy, dated 14 January 1948, in Correspondence—Part II.

†Not included.

16. *To Abul Kalam Azad*

1 Queen Victoria Road
New Delhi
14th January 1948

My dear Maulana Sahib,

I wrote to you some time ago requesting you to make a suitable grant to the Bharatiya Itihas Parishad (Indian Academy of History) and you were good enough to tell me that the matter would receive your consideration but that I should send you some details.

The Bharatiya Itihas Parishad was established some years ago with the special object of getting a history of India written by the best scholars in the country from the Indian point of view. Sir Jadunath Sarkar was made the Chairman of the Editorial Board and I was made the President of the Council of the Parishad. The Parishad has planned to bring out the history in 20 volumes of which one volume has already been published and another is in the press. The scheme for several other volumes is ready and scholars are engaged and they are in various stages of preparation. The volume which has already been published has been well received by scholars. We had raised funds which have so far been utilised but they are exhausted now. The work has been somewhat delayed on account of the political movement of 1942 and no volume could be published till 1946 although work had been started on several of them. It is estimated that the cost in bringing out all the volumes will be something between 2 and 3 lakhs of rupees. The history will be published in English as also in Hindi and, if possible, in other Indian languages also. The Parishad has been fortunate in securing the cooperation of some of the best known historians in the country and I hope it will be possible for the Government to give adequate financial assistance so that it

may be expedited. It is estimated that it will take some 4 to 5 years to bring out all the volumes.

I shall be obliged for an early reply.

Yours sincerely,
Rajendra Prasad

17. *From Vallabhbhai Patel*

14th January 1948

My dear Rajen Babu,

Pandit Ravi Shankar Shukla has written to me about the resignation of Mr. B.A. Deshmukh, one of his Ministers from Berar. The matter has been pending for some time. I hope it will be possible for you to issue instructions as soon as possible.

Yours sincerely,
Vallabhbhai Patel

The Hon. Dr. Rajendra Prasad
1 Queen Victoria Road, New Delhi.

18. *From Ravi Shankar Shukla*

Nagpur

The 15th January 1948

My dear Rajendra Babu,

You of course know that amongst the number of States that have joined the Central Provinces, there are some which border Bihar. In one of them, especially in Jashpur, a large population consists of Oraons. Lots of them have become Christians and these Oraons are led by Mr. Jaipal Singh whom you know so well. I have received information that he is trying to carry on propaganda amongst them for the formation of Jharkhand or, in the alternative, for joining Bihar. My further information is that one Mr. Deokinandan Sahai who is the Secretary of Ranchi District Congress Committee is also carrying on similar propaganda. The missionaries (perhaps Roman Catholics) are also similarly interested. It is also reported to me that some persons from Bihar are trying to incite people of Surguja borders to agitate for separation from C.P. Some of them, I understand, are Congressmen. What has happened in Seraikela should be a sufficient eye-opener to us and I think this unhealthy agitation should be put a stop to immediately. I hope you will address the Bihar Provincial Congress Committee to put a stop to this agitation. After the Constitution is framed it would be for us to divide the Provinces on linguistic basis or administrative convenience, as the

case may be. It will serve no useful purpose to allow this agitation to grow. I hope you will do the needful in the matter and oblige. I am thinking of visiting the State soon after the Governor-General's visit to our Province.

We are deeply concerned at the fast of Mahatmaji. We hope God will give us strength and will to see that he breaks his fast soon.

With best regards,

I am,

Yours sincerely,

R.S. Shukla

Prime Minister, C.P. & Berar

Dr. Rajendra Prasad
President, All India Congress Committee
6 Jantar Mantar Road
New Delhi.

19. To Govind Ballabh Pant

1 Queen Victoria Road
New Delhi
The 16th January 1948

My dear Pantji,

The resignation of Ch. Khaliqzaman from the Constituent Assembly has been just received. It is going to be accepted and the vacancy declared. We have to get Maulana elected in his place before the 15th of February, otherwise Maulana loses his seat in the Cabinet. On the 27th instant we are going to have a meeting of the Constituent Assembly at which one of the proposals for amending the rules is to abolish separate electorates for election to the Constituent Assembly by Provincial Assemblies. If that rule is passed it will be easy for your Province to elect Maulana. I am writing this to you so that you might keep things in readiness for Maulana to be returned in time.

We are going to have a meeting of the Working Committee on the 24th of this month. I hope you will be attending.

With pranams,

Yours sincerely,
Rajendra Prasad

The Hon'ble Pandit G.B. Pant
Prime Minister, U.P.
Lucknow.

20. To B.G. Kher

1 Queen Victoria Road
New Delhi
The 16th January 1948

My dear Shri Kher,

As you know, Mr. Bhabha is not a member of the Constituent Assembly and unless he becomes one before the 15th of February he will cease to be a member of the Cabinet. He has therefore to get elected to the Constituent Assembly. It is for you to find a seat for him, if necessary, by creating a vacancy from amongst the members of the Constituent Assembly from your Presidency. I may tell you, however, that Mr. Bhabha was telling me that he is not willing to continue in the Cabinet. If he sticks to that and Sardar allows him to go out of the Cabinet, the question will not arise. As Sardar is there, I wish you could talk it over with him and fix it.

Yours sincerely,
Rajendra Prasad

The Hon'ble Shri B.G. Kher
Prime Minister, Bombay.

21. To Dr. Bidhan Chandra Roy

1 Queen Victoria Road
New Delhi
The 16th January 1948

My dear Dr. Roy,

Dr. Syama Prasad Mookerjee and Mr. K.C. Neogy are members of the Central Cabinet but they are not members of the Constituent Assembly. Unless they get elected to the Constituent Assembly within six months of their taking office, they will cease to be members of the Cabinet. Dr. Syama Prasad Mookerjee took office on the 15th August and Mr. Neogy a few days later, so Dr. Mookerjee must become a member of the Constituent Assembly by the 14th February and Mr. Neogy a few days later. I have therefore to request that you will kindly see that they get elected to the Constituent Assembly. As they belong to your Province, they should get elected from there. If there is no vacancy in the Constituent Assembly amongst the members of your Province we will have to see that vacancies are created in time. As soon as any resignation by any member of the Constituent Assembly from your Province is received by the Constituent Assembly office, arrangements will be made for getting the vacancies declared so that the elections may take place in time. As the matter is urgent, I shall be

attention and efforts should be concentrated to bring about that situation which can enable Mahatmaji to give up his fast and relieve the nation from its present anxiety.

As you are aware, events in West Bengal Parliamentary circle have undergone serious changes since I met you at Calcutta last. Dr. Prafulla Ch. Ghosh has tendered his resignation and in another few days' time Dr. Bidhan Ch. Roy is going to be called upon to shoulder the responsibilities of the Premiership of West Bengal. Two years ago when, as the erstwhile Chief Whip of the Bengal Congress Parliamentary Party, I sought to bring home to the All India Parliamentary Committee at New Delhi the possible consequence of selecting Congress nominees for election on the basis of the division of the seats among the active partisans or nominees of the three groups within Bengal Congress, viz., Khadi, Jugantar and Bosites, my warnings were not heeded and I was myself given a go-by as I became a persona non grata with all the leaders entrusted with the selection of Congress candidates in Bengal. I suppose you now realise that the Bengal Parliamentary Party has, as I apprehended, become a hotbed of intrigue and unholy manoeuvre of groups and sub-groups in their game of power-politics and I respectfully request you to stop the rot sternly and to save the common man from the consequences thereof.

The best way to achieve this appears to me to issue to Dr. B.C. Roy a directive to constitute his Cabinet with really capable men, having, as far as practicable, Congress service to their credit, from within or from outside the present M.L.A.s, men on whom the public have unquestioned confidence and to call upon such members of the Assembly as may be so desired by Dr. Roy to make room for persons chosen to serve in the Cabinet. It is perhaps needless for me to point out that the present incumbents in the offices of members of the Bengal Legislature were selected more as tried fighters against British imperialism than as men capable of shouldering administrative responsibilities of Government. As a result, the talent for constructive work is singularly lacking in most of our sitting M.L.A.s.

As for myself, unhappy though I had been feeling all these months at the turn of local Congress politics, I have tried to remain aloof from all matters that smacked of party-politics within the Congress, and many friends and co-workers have remonstrated with me for this my apparent disinterestedness. Now that some changes are in the offing I am again being pressed to place myself at the disposal of Congress High Command for such active service in West Bengal or at the Centre as I may be called upon to serve. You are amongst the few at the Centre who have all along maintained a genuine affection for me and appreciated my humble talent and capacity for service. Dr. B.C. Roy also entertains much love for and confidence in me. There are two or three vacancies in the West Bengal Assembly seats such as the Nadia Rural General, Maldah-cum-West-Dinajpur Rural General, etc., to any of which I can easily get elected. And it is universally recognised that amongst the few who can render signal service to the Province at this juncture I stand in the front rank.

May I, in the circumstances, seek your guidance and advice as to what I should do and whether you would like me to speak to Dr. B.C. Roy and to Dr. P.C. Ghosh to do what they can to utilise my services in the Parliamentary sphere? From what I could gather from enquiries made by Rajaji it appeared to me that he would be glad to see me back to Parliamentary work, though for obvious reasons he could not express himself openly in this connection.

Hoping to be excused for this long letter and expecting an early reply, I remain,

Yours very sincerely,
Nalinaksha Sanyal

Rashtrapati Shri Rajendra Prasad
6 Jantar Mantar Road, New Delhi.

24. *From Dr. M.A. Rauf*

The Indian Embassy
Rangoon
17th January 1948

My dear Rajendra Babu,

I have just received your gracious letter. I am afraid we could do very little to serve you during your visit here, and it is kind of you to acknowledge that little. We had hoped that your stay would have been longer, in order that the people of Rangoon would have been able to see more of you, but we realised that neither your health nor your previous engagements in India permitted of a longer stay. All of us here sincerely hope that the numerous engagements in Rangoon were not an undue strain on your health and that you may have quite recovered from your visit.

We are all very anxious about Gandhiji's fast, and we sincerely hope and pray that his heart's desire may be fulfilled and he may soon be able to break his fast and recover his health and may he be long with us to see real peace established in India.

Respectfully yours,
M.A. Rauf

The Hon'ble Dr. Rajendra Prasad.

25. *To Harekrushna Mahtab*

1 Queen Victoria Road
New Delhi
The 19th January 1948

My dear Mahtab,

I have received your letter dated the 12th instant, but I could not write to you

earlier because I was busy with the arrangements in connection with Mahatma Gandhi's fast. I do not know anything about the Praja Mandal that has been operating in the Mayurbhanj State. I do not remember to have done anything to help or hinder the work of the Praja Mandal but it is possible that I might have received a communication from Shri Sarat Chandra Das informing me that responsible government has been established there and I might have sent him a reply congratulating him and the Ruler on the establishment of responsible government. There is no question of my doing anything to bolster up the claim of the Ruler or the Praja Mandal and if I have written, it has been in the ordinary course on the basis that genuine reform has been introduced there. So if there is anything wrong in my hasty congratulation, you may take it that that has been on the misunderstanding that reforms are genuine. I have not been associated with the Praja Mandal's work anywhere and I had no means of knowing that anything injurious is going on in the State by a body under that name.

As regards the amalgamation of Seraikela and Kharsawan, I am sorry that things have taken a course which is most undesirable. As far as I have been able to judge, the feeling in Bihar is very strong and that is based on a sense of wrong that is genuinely felt there. I have not seen the abusive speeches delivered by Shri Sri Krishna Sinha and Shri Binodanand Jha or the *Searchlight* to which you refer. The wrong that is felt is that things have been manoeuvred in a way which was not straight. You know that before Orissa was created as a separate Province, the question of including Singhbhum within Orissa was raised and an impartial Boundary Commission was appointed. It went into the matter very fully and because the local feeling was overwhelmingly in favour of the district remaining in Bihar, the Commission ultimately decided to allow Singhbhum to continue in Bihar. After that decision which was taken only some years ago, it was expected that if any question of amalgamating any area which fell within the district of Singhbhum with Orissa arose, Bihar and people of Singhbhum particularly should have been consulted or at any rate given an opportunity to put their point of view before the authority dealing with the subject. Bihar was taken by surprise. Although you and I have met so many times you have never mentioned to me that there was any idea of amalgamating these two particular States with Orissa. Sardar Vallabhbhai knew nothing about the local feelings or the previous history as far as I can judge and he accepted your suggestion of treating these two States on the same footing as the Orissa States. It was this feeling of having been overreached which is responsible for the bitterness that has arisen. I have not been in touch either with the Rulers of these two States or with anyone else there and I do not know how the President of the Praja Mandal of Kharsawan was purchased and by whom and at what cost. Instead of writing to me after so much has happened, after blood has been spilt, if you had cared to do it earlier, much could have been avoided but I do not know why you did not

connection with the work of the Committee.

I shall request that immediate order may be passed. I am sending a copy of this letter to the Ministry of Relief and Rehabilitation and the Deputy Commissioner, Delhi.

Yours sincerely,
Rajendra Prasad

The Hon'ble Pandit Jawaharlal Nehru
Prime Minister of India
17 York Road, New Delhi.

Copy forwarded to the Minister-in-charge, Relief and Rehabilitation, Government of India, New Delhi; and Deputy Commissioner, Delhi.

Rajendra Prasad

27. From Jawaharlal Nehru

SECRET

New Delhi
19th January 1948

My dear Rajendra Babu,

I have received information from Mridula Sarabhai and other sources in Amritsar that the position in Amritsar has deteriorated very much. The news of the Gujrat train incident especially has led to this deterioration. Some of the Sikh gangs are moving about and threatening reprisals. There is considerable apprehension of these reprisals taking the shape not only of attacks on trains carrying Muslim refugees or stores to Pakistan but also raids on Pakistan villages. You will appreciate that any such raid will have an exceedingly bad effect not only on the general situation but also more particularly on the proceedings of the Security Council and the Kashmir situation.

Sardar Udham Singh Nagoke is one of the prominent leaders of the guerilla bands. He is reported to have said: "I took no permission when I started the August campaign and I will take none this time." The whole object of these people is to create incidents which will lead to war between India and Pakistan.

This is dangerous business and must be stopped. It has been suggested that you might visit Amritsar for a day preferably with the Maharaja of Patiala or even without him. Your going is more important than Patiala's as Patiala's stock is lower than it was with the Akali Sikhs. If it is at all possible for you to go I shall be very grateful. We would of course make all necessary arrangements. The sooner this is done the better.

For the present we have stopped trains to Pakistan but we want to start them again.

Yours sincerely,
Jawaharlal Nehru

Dr. Rajendra Prasad
1 Queen Victoria Road, New Delhi.

28. From Jawaharlal Nehru

New Delhi
The 20th January 1948

My dear Rajendra Babu,

I have your letter of the 19th January about the Peace Committee. I entirely agree with you that this Committee should have the fullest help and cooperation from Government. As regards your particular suggestions I am taking such action as I can.

- (i) There is no question of formal recognition by the Government but the Department concerned and more specially the Delhi Local Administration are being requested to cooperate in every way with your Committee.
- (ii) You have not mentioned any particular sum that you require. Deshbandhu Gupta, a member of your Committee, has told me that Rs.10,000 will be enough for the present at least. I am asking the Ministry of Relief and Rehabilitation to place this sum at your disposal.
- (iii) I understand that the local administration is doing its utmost to evacuate the mosques at present occupied by Hindus and Sikhs. Alternative accommodation is being arranged.
- (iv) I am asking the Deputy Commissioner of Delhi to make arrangements for you to have two or three jeeps.

2. I need not add that we shall be happy to help you in every possible way. Please let me know what else I can do for you.

Yours sincerely,
Jawaharlal Nehru

Dr. Rajendra Prasad.

29. *From Ravi Shankar Shukla*

SECRET

Nagpur

January 20/25, 1948

My dear Rajendra Babu,

As desired by you in your telegram dated the 19th January, I send herewith a copy of the letter I wrote to Syt. Kripalani on the 7th November 1947 regarding Syt. Deshmukh when Kripalaniji was the President of the Congress.

I understand from Rankaji that you have changed your programme and are going to Wardha on the 1st February instead of on the 6th and will be staying there for about a week or so. I shall be obliged if you kindly let me know exactly for how many days you are staying there. It may perhaps be advisable for you to deal with this matter when you are here.

Yours sincerely,
R.S. Shukla

Syt. Dr. Rajendra Prasad
President, Indian National Congress
6 Jantar Mantar Road, New Delhi.

Enclosure not included.

30. *From H.V.R. Iengar*

PRIME MINISTER'S SECRETARIAT

New Delhi

21st January 1948

Dear Dr. Rajendra Prasad,

The Prime Minister wrote to you the other day suggesting that you might pay a visit to Amritsar. He has since decided that he would himself go to Amritsar on the 29th of this month. If it is possible for you to do so, he would like you to go *before* then, but if you cannot do so, he would be glad if you could accompany him on the 29th.

Yours sincerely,
H.V.R. Iengar

Dr. Rajendra Prasad
1 Queen Victoria Road, New Delhi.

31. To Jawaharlal Nehru

I Queen Victoria Road
New Delhi
The 21st January 1948

My dear Jawaharlalji,

I wrote to you yesterday expressing my regrettable inability to proceed to Amritsar. I made enquiries from Giani Gurmukh Singh Musafir who is a member of the Constituent Assembly and one of our Congress Sikhs. He told me that Sardar Udham Singh Nagoke was in Delhi on about 11th or 12th instant and after meeting Sardar Patel and probably you also, he went to Calcutta for Guru Parb and has not yet returned. He is expected to visit some places like Lucknow and Allahabad on his way back and he is not likely to be in Delhi or in the Punjab for a few days more. So any information about anything being arranged or organised by him is without foundation. In the course of the enquiry which Giani Gurmukh Singh made he incidentally met two lieutenants of Sardar Udham Singh Nagoke, named Bachan Singh and Bahadur Singh, who came to Delhi yesterday from the Punjab. The report which they gave him is as follows.

On receipt of the news of the attack on the refugee train at Gujrat there was great excitement near about Amritsar and large crowds assembled on the stations above and below Amritsar station and at Amritsar platform. They were armed with *barchchas*, axes and such like things which are ordinarily to be found with the zamindars of the Punjab and not with any firearms which would have been the case if there was any organisation behind them. They were there in anticipation of the arrival of some refugee train which was expected but which did not arrive. On the side of the Government a large force with a number of trucks and lorries was waiting at Amritsar and while some of the crowd were saying that if they made any attack on the train the police and the military would fight them, others were saying that the military would do nothing as their own men had been killed in the incident at Gujrat. The Deputy Commissioner and others were trying to persuade them to go back to their homes. As no refugee train went from India side they waited for nearly two days and then dispersed without any incident. They assured him that there was no organisation behind the demonstrators but it was only a reaction of the incidents that had taken place at Gujrat and things have quietened down now and everything was normal. They did not apprehend any incident now. I was also told that since Sardar Patel met the Sikhs and they gave a promise that they would not create any trouble they have been quiet and have been doing nothing to create disturbances. They still stick to that promise and they will carry it out.

Giani Kartar Singh* and a number of other Sikhs came in deputation to me this morning and placed certain matters on which they expected the Government and the Congress to take action. I will write to you separately about these but incidentally I spoke to them about the apprehension that was felt about Amritsar. They confirmed the news that a number of people had assembled along

the railway line near Amritsar and an attempt had been made even to tamper with the line. The crowd had now dispersed and there was no apprehension now of any trouble there.

Yours sincerely,
Rajendra Prasad

The Hon'ble Pandit Jawaharlal Nehru
Prime Minister of India
17 York Road, New Delhi.

*Akali leader, Minister in East Punjab; principal aide of Master Tara Singh

32. To Jawaharlal Nehru

1 Queen Victoria Road
New Delhi
The 21st January 1948

My dear Jawaharlalji,

I am enclosing herewith a note of my interview with the Sikhs* under Giani Kartar Singh who saw me this morning. I agree with them that the Sikhs are the special target of the anger of Pakistan and they should be evacuated from Sind. Their number is not very large although they are spread over a large area. Possibly they would fit in with the present economy of East Punjab where particular classes of workers are wanting. As regards the gurdwaras, I suppose the matter must have been under the consideration of our Government and in any negotiation which may take place with Pakistan Government, the question about the religious places should be raised and a satisfactory solution should be made.

On the political issue, the matter is really for the Advisory Committee on Minorities appointed by the Constituent Assembly and I would suggest that it should be taken up and settled before the meeting of the Constituent Assembly for finally adopting the Constitution.

The progress in the programme for rescuing abducted women does not appear to be satisfactory. This is a running sore and I am sure the Government is doing its best and it will be pushed as far as it is possible.

Yours sincerely,
Rajendra Prasad

The Hon'ble Pandit Jawaharlal Nehru
Prime Minister of India
17 York Road, New Delhi.

*See enclosure to the letter from Dr. Rajendra Prasad to Vallabhbhai Patel, dated 22 January 1948.

33. *To Vallabhbhai Patel*

1 Queen Victoria Road
New Delhi
22 January 1948

My dear Vallabhbhai,

A deputation of Sikhs under Giani Kartar Singh met me yesterday and placed before me certain matters which required consideration and solution from their point of view. There is one matter relating to the political position of the Sikhs about which they are anxious that some decision should be taken at an early date. It is really a matter for the Advisory Committee on Minorities to deal with and I would like that it should be taken up and dealt with and put up for consideration by the Constituent Assembly. I am enclosing a copy of my note which deals with the other matters also raised and in which you may have interest. I am drawing particularly your attention to paragraph 4 which deals with the political question.

Yours sincerely,
Rajendra Prasad

Sardar Vallabhbhai Patel
New Delhi.

Enclosure:

(Note by Dr. Rajendra Prasad)

A deputation of Sikhs led by Giani Kartar Singh saw me this morning (21 January 1948) and placed certain points which required consideration and solution.

1. A large number of gurdwaras, some of which are of historic importance, have fallen in Western Punjab, the most important of which are Nankana Sahib and Punja Sahib. There is no Sikh left in West Punjab now, except 17 persons who are in the Janmabhumi Gurdwara of Nankana Sahib for the purposes of sewa there. Some of the gurdwaras are being used by the Mussalmans for their private use. The Muslim League or Pakistan flag is flying over some of them and there is no arrangement whatsoever for their sewa or for the pilgrims to go. There is one Gurdwara—Ravi Kartarpur—which is within a mile of the Indian border on the other side of the Ravi and there are 125 villages belonging to India in the neighbourhood. The suggestion with regard to the gurdwaras are:

- (1) That something should be done to Nankana Sahib to ensure free passage of pilgrims and for continuing the sewa there. They suggest that it may be converted to some sort of free zone like Jerusalem.
- (2) As regards the other gurdwaras, the suggestion is that priests should be appointed for them and these priests should be treated as part of the staff of the High Commissioner so that their life may be secure. A particular officer

should be appointed to look after these gurdwaras.

- (3) As regards Ravi Kartarpur Gurdwara, the suggestion is that that gurdwara has also historic importance and is very important and that the village should be exchanged with a village of the Indian Union so that this gurdwara may come within India.

2. A large number of abducted women are still on the other side and an attempt should be made to secure them. Up to now a very much larger number of abducted women have been rescued on the Indian side and made over to Pakistan, whereas the number so rescued on the other side of the border is very small. It is difficult to give figures about the number of abducted women but it is said that the number must be very large. It is not true to say that they cannot be very many, because quite a good number were rescued in the pockets which were cleared and taken to India. The fact is that only a small number of men and women were in the pockets whereas the bulk of those abducted had been transferred to long distances even before the question of clearing the pockets arose. It is these which have to be rescued. More vigorous efforts should be made to get them back.

3. It was one of the terms of agreement between India and Pakistan that religious and charitable endowments shall not be touched. Gurdwaras had large properties attached to them and particularly the gurdwara at Nankana Sahib had a large number of villages, all of which except two were occupied by the Sikhs. Something should be done to restore the properties of these gurdwaras.

4. The political position of the Sikhs should be secured. The Congress position has been that it would not do anything on the minority question without their consent. The position of the Sikhs has been regarded as peculiar, and it is necessary that something should be done to create confidence among them. The population of the Sikhs in the Punjab as it was apart from the States was 37½ lakhs. Of these about 20 lakhs were in the Eastern Punjab according to the national boundary and 17½ lakhs in the Western Punjab. Now there is no Sikh left in the Western Punjab and, except those who have been killed or otherwise destroyed, all have migrated to India. It is difficult to give any exact figures of those who are in the Punjab as distinguished from those who have passed over to Delhi or U.P. or other places, but roughly the Sikh population in the East Punjab now may be taken at about 33 lakhs or so, which is one-third of the total population of East Punjab. The Sikhs have been enjoying, under the Constitution of 1935, 50 per cent weightage in representation, their population being 13 per cent of the total and their representation being 19 to 20 per cent. If the same proportion of weightage is maintained they will have about 50 per cent in the representation in the East Punjab and, in view of their peculiar position, this should be given to them, otherwise they will feel a sense of injustice. If this is not altogether acceptable something may be done by way of readjustment of boundary to give them a position more consistent with their ideas. The districts of Rohtak and Gurgaon did not actually belong to the Punjab as the language is

that of Delhi and their life and culture are also more like Delhi than of Punjab. If these two districts, which are predominantly Hindu with a very small Sikh population, could be attached to Delhi then the position of the Sikhs in East Punjab as it will be after the separation of these two districts will be very much better numerically speaking than it would otherwise be and a solution of the difficulty may be found by this readjustment. They feel that whereas the Mussalmans have got their Pakistan and the Hindus the rest of India, they should be given a position in the only Province in which they are largely concentrated so that they may feel that they have a substantial share in the political rights and administration of the Province.

As regards places like Delhi and U.P. where there is considerable Sikh population, although not very large in proportion to the entire population, the Sikhs may be given the same rights as other minorities, i.e., reservation of seats according to population plus the right to contest additional general seats. They should also be given a status in the Centre by giving them extra representation.

5. The Sikhs have been the special target of the Muslim anger and they are still so. It is, therefore, necessary that the Sikhs in Sind should be evacuated. There are about 15,000 there spread over the Province in small pockets. Arrangements should be made for their safe evacuation. They are all of the poorer type and they will very well fit in with the present economy of East Punjab from where a large body of Muslim artisans have gone over to the West Punjab. These Lohana Sikhs do more or less the same kind of work that the Muslim labourers used to do in the East Punjab and after they are shifted, they will be able to fill a gap which is being felt at present in the economy of the Province.

These are the points on which they wanted satisfaction. They have a misgiving that by declaring that except the Kashmir question, other points have been more or less settled between India and Pakistan at the Security Council meeting, the case of the Sikhs regarding their gurdwaras etc. has been practically given up. This should not be and negotiation should be opened with the Pakistan Government to arrive at some satisfactory settlement regarding the gurdwaras. The question of the political position of the Sikhs in the Punjab and in India should also be taken up and decided soon, otherwise there will be discontent and it will not be possible to restore confidence.

Rajendra Prasad
21.1.1948

34. *To Jawaharlal Nehru and Vallabhbhai Patel*

1 Queen Victoria Road
New Delhi
The 22nd January 1948

My dear Jawaharlalji/Vallabhbhai,

I am herewith sending copy of a note which I propose to place before the

Steering Committee of the Constituent Assembly tomorrow. As I have a view which I believe differs from your own, I owe it to you to let you know my own feeling in the matter.

Yours sincerely,
Rajendra Prasad

Enclosure:

(Note for the Steering Committee of the Constituent Assembly of India)

It will be recalled that the Constituent Assembly during its last session appointed a Committee with Shri G.V. Mavalankar as Chairman for considering and reporting on the provisions of the Indian Independence Act in regard to the Constituent Assembly. The unanimous report of the Sub-Committee which was accepted by the Assembly was that although under the Act the Constituent Assembly had two functions, viz., of constitution-making and of acting as the Central Legislature of India, the Assembly was one and its President was the supreme head both on the deliberative and administrative sides and directed that steps should be taken by the President to have necessary and consequential changes made in the rules etc. As at the time the President happened to be a Minister of India, the Committee was of opinion that it would be anomalous for a member of the Government to preside over the Assembly when it was functioning as the Central Legislature and it therefore suggested that provision should be made for the appointment of another officer for the purpose of presiding over the Assembly when it was functioning as the Central Legislature. Necessary changes in the rules were made and a Speaker was elected for discharging the duties of the President when the Assembly was functioning as the Central Legislature.

It is now proposed to alter the previous decision of the Assembly and the rules so as to give the Speaker full and independent powers. Incidentally, the anomaly which necessitated the appointment of a Speaker has in the meantime disappeared on account of the resignation by the President of his office as a Minister of India. Although the reason for the appointment of a Speaker is no longer operative, it is, in my opinion, essential and desirable to have the Speaker for the better working of the Assembly on its legislative side. The difference which has arisen can be solved in one of the two ways.

The previous decision of the Assembly should be rescinded and the rules relating to the powers of the President should be amended so as to withdraw from him all powers both on the deliberative and administrative sides of the Assembly when it is discharging one of its functions, viz., as of the Central Legislature, and vest those powers independently in the Speaker. This involves not only a curtailment of the powers of the President but practically splitting up the Assembly into two independent bodies, each under an independent head having nothing to do with the other. It seems to me that this is against the spirit if not the

letter of the Indian Independence Act which does not contemplate the Central Legislature as separate from and independent of the Constituent Assembly but only lays down an additional function and work for the Constituent Assembly, which continues with all its powers and prestige. I think that any change depriving the President of his powers is inconsistent with the dignity and prestige of that office.

In the alternative the position of the Speaker may be secured by a delegation by the President of all his powers and functions, so far as the legislative function of the Assembly is concerned, to the Speaker. Such delegation will make the Speaker fully independent in all respects and at the same time maintain the power and prestige of the President unimpaired. Whilst I have set forth above what in my view would best meet the situation, I wish to make it clear that in what I have stated there is no question of personal pride or dignity. That we have deliberately laid aside during the long career of the Congress. As your first President I wish to be and remain, whilst you keep me in this exalted position, a jealous guardian of the honour and prestige of this democratic body. It is needless to say that I shall cheerfully carry out the wishes of the Assembly.

35. *From Jawaharlal Nehru*

New Delhi

22 January 1948

My dear Rajendra Babu,

Thank you for your letter of the 21st about the deputation of Sikhs that met you. A similar deputation met me also sometime ago and made the same points.

About the Gurdwaras there is no difficulty regarding the principle that Sikhs should look after them. But there are obvious difficulties in practice at present. I am afraid it is quite impossible to talk about changing boundaries in the present atmosphere. Nor can Nankana Sahib be made into an autonomous State.

There is no doubt that there are a large number of abducted women still in Pakistan. But it is also true that there are still a large number of abducted women in East Punjab. Neither side has really tried hard enough to recover them.

You have yourself answered the political points raised.

We are doing everything in our power to evacuate Sikhs and others from Sind.

Yours sincerely,
Jawaharlal Nehru

Dr. Rajendra Prasad
1 Queen Victoria Road, New Delhi.

36. *From Jawaharlal Nehru*

New Delhi

22nd January 1948

My dear Rajendra Babu,

Thank you for your letter of the 21st about conditions in Amritsar. The report made by Giani Kartar Singh does not quite tally with the report that I have received and conditions are still bad there. You will have seen the account of the *Daily Telegram* in the papers today. There is some truth in it. I do hope that you will be able to go to Amritsar as soon as you are well.

Yours sincerely,
Jawaharlal Nehru

Dr. Rajendra Prasad

1 Queen Victoria Road, New Delhi.

37. *To Ravi Shankar Shukla*

1 Queen Victoria Road

New Delhi

The 22nd January 1948

My dear Shuklaji,

I have received your letter about the activities in Jashpur and Surguja. I have not been in touch with Bihar for a pretty long time and I do not know what is happening there but I know this much that there is a strong feeling there about some of the States being amalgamated with Bihar with which they were associated before and of which they form part culturally, linguistically and otherwise. The incidents in Seraikela were unfortunate and there can be no two opinions that there should be no repetition of any such thing as that. I would suggest that like the question of Seraikela and Kharsawan, the case in regard to some of the other States also which are sought to be amalgamated with C.P. should be referred to an impartial tribunal or the same tribunal which is going to deal with the cases of Seraikela and Kharsawan. I think that would put an end to all excitement and whatever the decision of the tribunal is should be acceptable to all parties. It would be well if you yourself took the initiative in the matter and suggested to the Government of India to deal with this question in the same way as they are dealing with the cases of Seraikela and Kharsawan. I am however writing to the Bihar Provincial Congress Committee as also to the Prime Minister of Bihar to see that any excitement should be avoided and they should come in contact with you and have the matter settled.

Yours sincerely,
Rajendra Prasad

The Hon'ble Pandit Ravi Shankar Shukla
Prime Minister, C.P. and Berar, Nagpur.



Dr. Rajendra Prasad with Mahatma Gandhi



Dr. Rajendra Prasad with Abul Kalam Azad and Vallabhbhai Patel

38. From V.K. Krishna Menon

India House, Aldwych
London, W.C. 2
24th January 1948

My dear Rajendra Babu,

Before I left for India I had given instructions, as soon as I saw (from one of the official telegrams) that Dr. N.P. Tripathi, Member, Bihar Provincial Medical Council, and Vice-President, Patna Medical Association, was coming, for arrangements to be made for his visits and contacts here. I am glad to say that Dr. Tripathi was able to make very good use of his stay here and when he came to see me just before he left, he expressed himself as well satisfied with the arrangements made on his behalf. He has left here for the present and told me that he would be returning to complete his work. I will of course again do my best for him when he returns.

With kind regards,

Yours sincerely,
Krishna

The Hon'ble Dr. Rajendra Prasad, M.A., M.L., LL.D.
Minister for Agriculture, Government of India
New Delhi, India.

39. From Vallabhbhai Patel

New Delhi
The 24th January 1948

My dear Rajendrababu,

I am sending herewith a copy of the report of Mr. Nagendra Singh, our Regional Commissioner at Sambalpur, whom we had deputed to visit Kharsawan and report on the recent firing there. It is a balanced presentation of facts in so far as these could be ascertained by local enquiry. I would invite your attention particularly to what he says regarding the Adibasi movement. I feel certain that it would be most unwise for the Bihar Government to have anything to do with Jaipal Singh. On the other hand, we should do our best to see that his influence is gradually weakened. Whatever we should concede we should not concede to Jaipal Singh but to our own people who may have anything to do with Adibasis. This way we would be creating greater hold of these people on Adibasis.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Dr. Rajendra Prasad
1 Queen Victoria Road, New Delhi.

Enclosure not included.

40. From Jawaharlal Nehru

ALL INDIA CONGRESS COMMITTEE
(ECONOMIC PROGRAMME COMMITTEE)

6 Jantar Mantar Road
New Delhi
25 January 1948

Dear Mr. President,

I have pleasure in forwarding to you the Report of the Economic Programme Committee appointed by the A.I.C.C. on November 17, 1947. This Committee co-opted Dr. John Mathai.

This Report is a unanimous report. I should like to point out, however, that three of the members were not present at the last meeting, though all of them were present at the meetings of the sub-committees whose reports are unanimous. The main report is based on the sub-committees' recommendations.

Yours sincerely,
Jawaharlal Nehru
Chairman

The Congress President
Office of the All-India Congress Committee
6 Jantar Mantar Road, New Delhi.

Enclosure:

(An outline of the basic principles recommended by the Economic Programme Committee, for the interim consideration of the A.I.C.C.)

As the Economic Programme Committee of the A.I.C.C. has recommended far-reaching reforms in the country's economy, its report requires a detailed and close scrutiny. Till the report is fully considered and adopted by the A.I.C.C., the following principles underlying the report indicate the economic policy of the Congress.

General objective. While it is essential to achieve a quick and progressive rise in the standard of living of the people through increased production, full employment of human and material resources and assurance of a variable national minimum, it is equally important to distribute equitably the existing income and wealth and prevent the growth of disparities in this respect by fixing a ceiling of incomes at a level bearing a fair proportion to the national minimum and by organising a decentralised, balanced and regionally self-sufficient economy compatible with an adequate standard of living and the country's internal and external security.

Agriculture. In agriculture the immediate aim should be to assure minimum

levels of production of food, cloth and building materials in every Province and every prescribed area on the basis of a scheme of balanced cultivation. To increase efficiency in agricultural production the state should directly invest in non-recurring permanent land improvements, undertake and encourage experiments in cooperative farming and control the farmer in the interest of better farming. To end exploitation of the peasant and to reconstitute the antiquated agrarian economy, all intermediaries between the tiller and the state should be removed, all middlemen replaced by non-profit-making agencies such as cooperatives, land equitably distributed among bona fide cultivators, land revenue replaced by progressive agricultural income-tax and a fair price for agricultural products and fair wages for agricultural workers assured.

Industry: scope of small-scale and large-scale. Regional self-sufficiency should be the aim with regard to development of all types of industries. Industries producing articles of food, clothing and other consumer goods should as far as possible be run on decentralised, cottage or small-scale basis and organised through state-aided industrial co-operatives. While larger units are inevitable in the case of heavy industries, the choice of size should be determined by the net balance of economic and social advantages, preference being for smaller as against the larger units. Small-scale and cottage industries should be protected from the competition of large-scale industries by suitable methods which may, if necessary, include state control of the competing large-scale industry or nationalisation of new undertakings in such industry.

Ownership and control of industry. New undertakings in defence, key and public utility industries and such undertakings as are in the nature of monopolies or serve the country as a whole or more than one Province, should be publicly owned, subject to the limit of the state's resources and capacity and the need of the nation. In respect of existing undertakings, the process of transfer from private to public ownership (on payment of equitable compensation) should commence after a reasonable period, so as to enable adequate arrangements being made for the taking over and running of these undertakings efficiently and to avoid dislocation of the economic life in the country or uneconomic acquisition of inflated assets. The management of public-owned industry should be on the basis of statutory corporations, state departmental control being confined to questions of policy.

In private industry the existing system of managing agency should be abolished as soon as possible, and private industry, including its reserves and profits, should be subject to state control and regulation in the interest of national policy and industrial development. To facilitate financing of industries, banking and insurance should be nationalised, finance corporations set up, and resources available for investment controlled by the state.

Relation between labour and capital. Stable and friendly relations between labour and capital should be established by means of such provisions as guarantees of minimum wage, profit-sharing, some form of social insurance, settlement of disputes by Works Committees and Regional Labour Boards and

ultimately through association of labour with management in industry.

Cooperative distribution. As the establishment of a just social order demands elimination of exploitation in production as well as in distribution, cooperative distribution of consumers' goods in rural and urban areas should be organised with adequate state aid.

Planning Commission. To plan an integrated development of the country's economy on the lines indicated above, a permanent Central Planning Commission should be appointed to advise and assist the Congress Governments.

41. *From Dr. Sachchidananda Sinha*

Sinha Library Road
Post Box No. 62, G.P.O.
Patna
26th January 1948

My dear Rajendra,

You have been, I fear, much too busy to write to me, since your return from Burma. I despatched to you some cuttings which I thought might interest you, including one of my appeal to Bihar Congressmen. I hope you found time to go through them. My appeal resulted in the withdrawal of the censure motion against the Ministry, but not of the other motion against the President and his Working Committee. I shall send you a copy of it too. Bihar is in the thick of troubles from all sides. But I have no knowledge whether anything worth the name is being done to counteract the mischief against the integrity of our Province. You have been the recipient of two personal attacks, and I am enclosing herewith a cutting of one, and a typed copy of the other. Such anti-Bihari literature is fast accumulating in the Calcutta Press. I am enclosing only one more cutting out of many on the subject to show you the exact position.

Sardar Patel was here today. I met him at a lunch at the Prime Minister's. I had made up my mind not to speak to him on any Bihar problems unless he first spoke to me on any subject. My impression is that he has turned (it may be unconsciously) hostile to Bihar, and things are not likely to improve by my personal intervention alone. When we have got in our Province a national Government, which I have no doubt will do all that they can, it is not for me to interfere.

Lastly, I shall write to you, on hearing from you in reply, about some personal matters in connection with my coming to Delhi, and with Radhakrishna's Lahore property.

Trusting you have a little less work now than before, I remain, with my blessings and good wishes,

Yours affectionately,
S. Sinha

Enclosures:

(1)

(Conference in Calcutta, on 25 January 1948, to discuss amalgamation of Bengali-speaking areas of Bihar and Orissa with West Bengal)

Opening a conference in Calcutta to discuss the amalgamation of the Bengali-speaking areas of Bihar and Orissa with West Bengal, Mr. Tushar Kanti Ghosh said that the Provinces should be reconstituted on the lines of cultural, social, linguistic and economic affinity.

The British Government ignored these factors when they drew the existing provincial boundaries. Now that independence had been achieved and the Congress was in power, the "artificial" division should go.

He hoped that readjustment of boundaries would not embitter the relationship between the Provinces which would continue to be members of the same Union.

Dr. S.K. Ganguly, President of the New Bengal Association, who presided, demanded that Manbhum, portions of Singhbhum, Santal Parganas, Hazaribagh, Ranchi and Purnea in Bihar and the Seraikela State, all with Bengali-speaking populations, should be included in West Bengal. The Congress had unequivocally accepted the principle of reconstitution of Provinces on a linguistic basis and had embodied it in its election manifesto of 1945. But it was strange that while such readjustment of boundaries had been agreed upon in case of other Provinces, nothing had been said about Bengal's claim.

The conference was organised by the New Bengal Association.

(2)

(An article by Hemendra Prasad Ghose)

BENGALI OR HINDI?

Long before India had been given Dominion Status the Congress had adopted the principle that the existing division into Provinces based on administrative convenience by the British Bureaucracy was unreal and objectionable and should be replaced by a division based on the languages of the inhabitants of the country. This division on the linguistic basis had not been given effect to by the British. Naturally, the people had hoped that with the advent of the Congress Government the long-delayed readjustment of the boundaries of the Provinces would be an accomplished fact. The demand has become insistent and, replying to a short notice question by Prof. N.G. Ranga, Pandit Nehru informed the members of the Indian Legislature that the Government was fully aware of the demand in some parts of the country that new Provinces be formed primarily on linguistic basis. He admitted that many years ago this demand had been recognised by the Congress and the Government accepted the principle underlying the demand. But he added that in giving effect to the principles many considerations apart from linguistic and cultural aspects had to be borne in mind

and sometimes there was no clear demarcation and cultural and linguistic areas overlapped. Thus, a policy of procrastination was indirectly adopted and the Prime Minister of India said that a careful enquiry was necessary before a decision was arrived at. This indicated that the policy adopted by the Congress may be stultified and required further consideration.

Support from Gandhiji. Only three days after Pandit Nehru's utterance came Gandhiji's support in the *Harijan*. He admitted the argument in favour of the original Congress decision but practically opposed it. He said: "But the reluctance to enforce linguistic redistribution is perhaps justifiable in the present depressing atmosphere. The exclusive spirit is ever uppermost. Everyone thinks of himself and family. No one thinks of the whole of India. The central force is undoubtedly there but is not vocal, never boisterous; whereas the centrifugal is on the surface and in its very nature makes the loudest noise demanding the attention. It manifests itself most in matters communal. This has given rise to fear in other fields."

He wanted that the demand endorsed by the Congress should be shelved lest it should entail "undue strain upon the Congress whose foundations have been shaken at their roots". The Congress, he said, "is ill-equipped today either for arbitrating between rival claimants or imposing its will upon recalcitrants". We are afraid that this admission of weakness on the part of the Congress by one who is its guide, friend and philosopher could not add to the strength and the dignity of the Congress itself.

Unfortunate utterances. While Pandit Nehru would postulate difficulties and Gandhiji advances objection it has to be noted that the delay they would impose is being taken advantage of by the President of the Congress itself for the purpose of retaining in Bihar the Bengali-speaking portions which had been unduly annexed to Bihar. Speaking at the Hindi Sahitya Sammelan on the occasion of opening the libraries for children and women's sections at Patna Dr. Rajendra Prasad said on the 20th December: "It is because of the negligence and inactivity of Bihar Provincial Hindi Sahitya Sammelan that Singhbhum and Dhalbhum are being claimed by West Bengal for their being non-Hindi-speaking areas." Continuing, he observed that there were vast tracts in Bihar where Hindi was not widely spoken and it is the "bounden duty" of the Hindi Sahitya Sammelan to advance the cause of Hindi language in these areas. In this connection he emphasised the need for propagating Hindi in Singhbhum, Dhalbhum and such other areas so that these tracts might be claimed as absolutely Hindi-speaking areas and thus the danger to the territorial integrity of Bihar might be averted. The British made their mother tongue the official language in conquered India but they refrained from making English the mother tongue of the conquered people..... [Some lines are missing.]

A damaging admission. Dr. Rajendra Prasad's speech contains an admission, an insinuation and an instigation. The admission is damaging inasmuch as he admits that Singhbhum and Dhalbhum are not Hindi-speaking majority areas and West Bengal's claim to them as also to the Santal Parganas, Manbhum and

some contiguous Bengali-speaking areas is irrefutable, and in accordance with the principle adumbrated, advanced, and so long adhered to by the Congress, Bihar cannot claim them. The insinuation is that in any case the territorial integrity of Bihar as at present constituted must be maintained and West Bengal deprived of her legitimate right to them. The instigation is that the Bihar Hindi Sahitya Sammelan must as its "bounden duty" impose upon the Bengali-speaking people of these areas Hindi which is neither their mother tongue nor can claim that rich literature which the Bengalees claim as their heritage enriched by men like Raja Rammohun Roy, Bankim Chandra Chatterjee, Rabindranath Tagore, and many a *clarum et venerabile nomen*. In this connection we would like to refer to what the Aga Khan spoke to his co-religionists in Bengal in the year 1934. Speaking at a luncheon given to him by the Muslim members of the Bengal Legislative Council he urged the importance of the Bengal Muslims cultivating the Bengali language which was their own. Declared the Aga Khan: "Bengali is one of the most magnificent languages in which the highest and noblest ideas and aspirations of men could be represented and interpreted." No wonder the Bengal Muslims of Eastern Pakistan, as at present constituted, are insisting on Bengali being made the state language in their Province. It is, therefore, unreasonable to impose Hindi on Bengali-speaking people who suffer from the misfortune of living in Bihar.

Medium of instruction. Only the other day the Education Minister of the Government of India reiterated the principle that vernacular should be the medium of education. Even with regard to medical education the late Dr. Goodeve Chakravarti said, addressing the vernacular medical students, in 1870: "The vernacular languages are your mother tongues. They cost you little trouble and expense. Cheapness and facility of comprehension are hence two recommendations in their favour." In their despatches in 1854 and 1859 relating to Indian Educational Code the Government of India remarked: "The medium of education is to be the vernacular languages of India." All these will go to show that it is only meet and proper that the vast majority of men and women of Manbhum, Singhbhum, Dhalbhum and the Santal Parganas who use Bengali as their mother tongue should not be deprived of the cheapness and facility of comprehension which appertain to their mother tongue, which is Bengali. It will be an injustice done to them to make them abjure their mother tongue, which alone would give them a proper idea of their cultural heritage, and learn Hindi—a foreign language—to satisfy the whims and interest of Bihar. We, therefore, consider the remarks of the President of the Indian National Congress as unfortunate, if not derogatory also to the high position he occupies and adorns.

Dr. Rajendra Prasad, as President of the Committee formed to re-write the history of India in proper perspective and free from foreign bias and misrepresentation, need not be told that Manbhum, Singhbhum and Dhalbhum did not belong to Bihar before the artificial division made by the British in India. A reference to the map of Bengal and Burmese Provinces, "illustrative of the political relations of the British Government with Native States", issued by the

Surveyor-General of India, would go to show that even in 1862 Singhbhum was not a part of Bihar. The question of Manbhum, Singhbhum and the Santal Parganas cannot arise. It is difficult to understand why and how the claim of Bihar to these areas should be even considered after the clear acceptance by the Congress of the principle of the division of Provinces on the linguistic basis.

The battle now raging between Bihar and Orissa over the appropriation of the States of Seraikela and Kharsawan is yet another example of profiting by depriving Bengal of her legitimate right to States where Bengali is the mother tongue of the majority of the inhabitants.

(3)

(Extract from the *Modern Review* of January 1948, p. 7)

BENGAL'S CLAIM ON BENGALI-SPEAKING AREAS

Bengal's claim on the Bengali-speaking areas of Bihar and the adjoining States about which there has been a lot of agitation for a number of years, has now assumed great importance. It should be clear that the Constituent Assembly, which will meet in April, will not be able to postpone consideration of this ticklish issue. There is every likelihood that the present Hindi majority in it, who have been crying to get Hindi installed as state language by the force of a bare majority attained through brisk canvassing, will also try to settle Bengal's claim in their favour. The newly elected Congress President Dr. Rajendra Prasad's address at the Hindi Sahitya Sammelan gives serious cause for apprehending that the return of the Bengali-speaking areas of Bihar will be resisted by the Hindi-speaking authorities at the highest level. Bihar for long has been engaged in a campaign of converting the Bengali-speaking areas into a Hindi-speaking one through the dissemination of Hindi with the ruse of popularisation of *Rashtrabhasa*. Dr. Rajendra Prasad has blurted out the truth, the saint taking a queer stand when his self-interest is touched. It is now clear that Hindi has been exploited as an insidious form of territorial aggrandisement. Dr. Prasad is angry with the Hindi Sammelan because they have not succeeded in defeating Bengal's claim on these areas through a successful propagation of Hindi. Knowing as we do Dr. Prasad's efforts to crush Bengalees in Bihar, his last utterance has not been surprising but West Bengal will commit a blunder if she still remains complacent on the verbal assurances of the High Command.

42. To Vallabhbhai Patel

1 Queen Victoria Road
New Delhi
26th January 1948

My dear Vallabhbhai,

I have received your letter and Nagendra Singh's report. I agree that in this

matter we should do nothing to give impetus to Jaipal Singh's movement but the fact is that unless the matter is settled satisfactorily so as to remove bitterness which has been caused by the action of the Orissa Government he is sure to make capital out of it and to get popular support. I would therefore request that you should send for representatives of the Government of Bihar, the Government of Orissa and the Government of C.P. to consider the whole matter and to arrive at a solution in consultation with the States concerned. This is the only way in which the menace can be avoided. I am afraid, the Orissa Government has not been acting quite straight and fairly in this matter and you have been misled by them. They have been carrying on an agitation for a long time for annexing the district of Singhbhum and they got an opportunity of which they took full advantage of getting a slice out of it in this way. As far as I know the feeling in Bihar is strong and unless the matter is straightened out we shall be in for a lot of trouble of which Jaipal Singh will take full advantage. You told me the other day that you have received no complaint from anyone about the inclusion of any other State either in Orissa or in C.P. except these two. I know that there are several other States which were treated as part of Bihar and their case will also have to be considered if a satisfactory settlement has to be reached. It is for this reason that I have suggested a conference above. I received a letter from Pandit Ravi Shankar Shukla some days ago saying that some bitterness has been created about some other States also and I suggested to him also to take the initiative and ask you to have the matter investigated and settled.

Even with regard to Seraikela and Kharsawan States I think it is necessary to place the administration of those two States under some officer appointed by the Government of India if anything in the nature of an enquiry or plebiscite is to be held by the tribunal that has been appointed, otherwise from the way things are happening you cannot get a correct appreciation when one party to the dispute is in actual possession and in charge of the administration. This should be done well in advance of the arrival of the tribunal on the spot.

Yours sincerely,
Rajendra Prasad

Sardar Vallabhbhai Patel
Minister for States, Government of India
New Delhi.

43. *From Harekrushna Mahtab*

Cuttack
The 27th January 1948

My dear Rajendra Babu,

Your letter dated the 19th January, 1948. I must confess that I am really surprised to know that you seem to think that there is justification for a Congress

Government of a Province to run down a Congress Government of another Province openly without reference to the Central Congress organisation if one Government feels wronged for some reason. Next it appears from your letter that you seem to think that there has been some manoeuvring in taking over the two States into Orissa. I thought it was not necessary for me to recapitulate the history of the last ten years' struggle for the emancipation of States' subjects, but I have to clear your doubt at least. You know in 1938 the All Orissa States People's Conference was held at Cuttack under the Presidentship of Dr. Pattabhi Sitaramayya and in that Conference representatives of all the Orissa States including the States of Seraikela and Kharsawan joined. That Conference appointed an Enquiry Committee, of which I was the Chairman. The report of that Enquiry Committee is a famous document now and it was commented upon by all newspapers of India and England too. You will find in that report details of the grievances of the people of Seraikela and Kharsawan. This is just to show that the movement in the States was something different from the movement for amalgamation of Singhbhum with the Province. I will be surprised if the Congress leaders of Bihar today say that they were unaware of the gigantic movement in the States in 1938. You know, hundreds were killed by the British military and thousands were imprisoned at that time. It was a historic movement and I do not think any ordinary newspaper reader can even pretend to be ignorant about it. The Enquiry Committee recommended that for the improvement of the administration in all these small States they should be incorporated in the neighbouring Province of Orissa. Till then there was no question of amalgamation of the States with the Province. That report was taken into consideration by the then Government of India and the principle was accepted long ago although there was difference with regard to details both between the Province and the States and between the Province and the Centre. Then in 1943 when the new Utkal University was created, both the States of Kharsawan and Seraikela along with the other Orissa States joined with this University. One of the sons of the Ruler of Seraikela is a Member of the Senate of the Utkal University. There was not a single protest at that time from any quarter as to why these two States should come under the Orissa University. On the contrary, Patna University agreed to it. It is a known fact and this can be verified even today that the court language in these two States has all along been Oriya for the last hundreds of years. There is not a single document in any other language in these two States. Apart from the inclusion of these two States in the University, frequent negotiations for administrative reasons have taken place between the Orissa States including Kharsawan and Seraikela with the Province for the last so many years. When the question of amalgamation of Orissa States with the Province was taken up by the Central Government, as a matter of course this was done. There was no manoeuvring about it. You will be surprised to know, and I have got letters to show you, that at a certain stage the leaders of the people of Seraikela and Kharsawan were advised to approach the Bihar Premier for relief but the Bihar Premier had replied in writing that he would place the matter

before his Cabinet and ultimately he did not take interest in the people's movement. In spite of all this long history of the movement in the States, I do not think it lies in anybody's mouth that there was any kind of manoeuvring in bringing these two States into this Province. Now that the way to amalgamation of the States with the Province has been made clear by us, others are coming in to have some share in it. If the feeling in Bihar is strong, the feeling in Orissa also is strong. Mutual vituperation and appeal to force, I am sure, cannot be supported because of the feeling in some Province. The way in which the Oriya-speaking people in Singhbhum are now being harassed by the officials there because of their sympathy for the amalgamation of Seraikela and Kharsawan with Orissa need not be discussed here. I want to make it clear that there was no manoeuvring in this. If the result of ten years' hard struggle can be construed to be a sort of manoeuvre, then, I think, one is to be proud of it. I would appeal to you not to mix up the question of Singhbhum with these States. Please do not think that anybody deceived Sardar Vallabhbhai Patel and got possession of these States. Now that a Tribunal has been appointed, can we not satisfy ourselves by simply placing our cases before the Tribunal? Is there any necessity of still carrying on violent propaganda even through Sri Jaipal Singh? I have got documentary evidence to show that the Bihar Government is helping Adibasi agitators to come into Orissa States and create troubles. If you think there is justification for all these things because the feeling in Bihar is high, then I have nothing more to say and things will take its own course. So far as we ourselves are concerned, I assure you that we will do nothing which will bring disrepute to the Congress organisation and which will be proved as a manoeuvre or even a trick before any impartial tribunal.

Yours sincerely,
H.K. Mahtab
Chief Minister, Orissa

Dr. Rajendra Prasad
President, All India Congress Committee
1 Queen Victoria Road, New Delhi.

44. *From Bhimsen Sachar*

28th January 1948

My dear Babuji,

With reference to our conversation yesterday on the question of giving representation on the Council of Ministers to the persons who have been forced to migrate from West Punjab, I enclose for your information a copy of Resolution No. 3 adopted at a meeting of the Hindu and Sikh members of the West Punjab Legislative Assembly held at Jullundur on the 20th December 1947 under my chairmanship.

With your help and that of the Indian Cabinet, the demands contained in para 2 of the said resolution have been met for which we are obliged. It will be readily conceded that the association of representatives of the members who have come from West Punjab with the Government of East Punjab is very desirable at this juncture when the East Punjab Government have to deal with the rehabilitation of lacs of displaced persons from West Punjab. I shall feel very grateful if immediate steps are kindly taken to give the Hindus and Sikhs from West Punjab adequate representation on the Council of Ministers in East Punjab.

I have already talked to Dr. Gopichand Bhargava, Premier of the East Punjab, on the subject. He said he could not move in the matter without consulting the Congress High Command. It is, therefore, necessary to take an early decision to enable Dr. Gopichand to proceed in the matter.

Yours sincerely,
Bhimsen Sachar

The Hon'ble Dr. Rajendra Prasad
Chairman, Parliamentary Board, A.I.C.C.
1 Queen Victoria Road, New Delhi.

Enclosure not included.

45. *From Dr. Bidhan Chandra Roy*

West Bengal Secretariat
Writers' Buildings
Calcutta
January 28, 1948

My dear Rajendra Babu,

It has been reported to me that the Gurkha League are holding their annual conference in the middle of February and that they are thinking of approaching you to preside over it. It appears that the Gurkha League has been carrying on persistent propaganda against the Congress as well as against all Indians. Not very long ago they created trouble in the Darjeeling District and this had to be firmly dealt with. Some leading members of the League had in recent meetings declared that although the Congress have liberated the country they have done nothing to improve the miserable condition of Gurkhas. They also stated that while labourers in tea gardens managed by Europeans got their rations regularly, those under Indian management experienced difficulties in obtaining them. This, of course, is entirely unfounded. I wish to bring to your notice the comments of the Deputy Commissioner of Darjeeling regarding the proposal of the Gurkha League to approach you to preside over their conference. In his report the Deputy Commissioner observes as follows:

In view of the type of propaganda still being put out, I would humbly suggest that before consenting finally to attend the annual A.I.G.L. Conference the Congress President should be requested to insist on a public statement signed by the responsible leaders of the A.I.G.L. to the effect that such propaganda will not in future be indulged in by the A.I.G.L.

Yours sincerely,

B.C. Roy

Prime Minister, West Bengal

Dr. Rajendra Prasad
President, All India Congress Committee
New Delhi.

46. *To Dr. Sachchidananda Sinha*

1 Queen Victoria Road

New Delhi

28th January 1948

My dear Sir,

I received your letter and the interesting cuttings which you were good enough to send me. I have not been keeping well since I went to Patna for the Convocation. Off and on I have been getting temperature. I am going to Wardha on the 20th for a week. The climate of the place is much milder and suits me well. I hope I shall be able to pick up a little during the week's stay. From there I shall have to go to Ceylon to represent India at the time of their independence celebration. I shall be leaving Wardha on the 8th morning by plane for Madras and after spending the night there I shall go to Ceylon on the 9th. The celebrations begin on the 10th and go on for a week. I propose to stay there till the 15th and then return to Delhi. We have a meeting of the A.I.C.C. at Cawnpore on the 21st and 22nd February and as usual before the A.I.C.C. meeting we shall have Working Committee meetings on the 18th, 19th and 20th. So I have to come back in time for these meetings.

I listened to your interesting talk on the Patna Radio on the night of the 26th. I knew that the opening ceremony would take place at 5.30 and I had taken special care to listen but unfortunately the earlier part of the proceedings there could not be heard satisfactorily. Much of it was faint. Now and then we heard something and then again we heard nothing but as the evening advanced the reception became clearer and by the time you spoke I could not only hear but even recognise your voice and the reception was quite satisfactory at the time. I have not tried after that to listen with Patna but this evening at 9.40 the Delhi Radio is going to relay what happened at Patna on the 26th. So I shall hear all that I missed on the 26th.

You have heard that the Government of India has appointed a High Court Judge to go into the dispute about Seraikela and Kharsawan. I hope our people will place their case before the judge and will succeed but it all depends on the way in which the thing is conducted. I was told by Sardar Vallabhbhai Patel some days ago that he had no complaint from Bihar or any other State. The only two States claimed by Bihar were Seraikela and Kharsawan and the Government of India has already appointed the tribunal. I was under the impression that some of the States now merged in C.P. were also claimed by Bihar, like Surguja and Jashpur, but it seems no claim has been put forward yet. I received a letter from Pandit Ravi Shankar Shukla, the Premier of C.P., complaining that some trouble was being created by some Bihar Congressmen in respect of some of these States. I wrote to him that the best way to deal with it would be to place the matter before the Government of India so that the same tribunal or another tribunal could deal with that case also and I requested him to take the initiative. I do not know what will happen. I am writing to our Prime Minister about this matter also.

We had a one-day session of the Constituent Assembly which was occupied with amendments of the rules and certain other matters like making provision for a larger representation from West Bengal and East Punjab on account of the increase in their population as a result of the Radcliffe Award giving them larger area and larger population or on account of migration of population. From today, the Assembly is sitting as a legislature of India and is likely to continue till the 1st week of April. Thereafter sometime in April after a short interval I propose to convene a meeting of the Constituent Assembly for finally taking into consideration the Draft Constitution and passing it. I am expecting that the Drafting Committee will complete its labours by the middle of February and the Draft Constitution will then be printed and circulated to members and to the Press so that the public might consider and offer its suggestions.

I hope you are doing well. So far as I am concerned, as I have said above, I am not quite well but I am carrying on.

Yours affectionately,
Rajendra Prasad

Dr. Sachchidananda Sinha, Bar-at-law
Patna.

47. *From Vallabhbhai Patel*

1 Aurangzeb Road
New Delhi
28th January 1948

My dear Rajendrababu,

I am returning herewith the papers which you gave me before I left for Bihar.

2. As regards taking the State of Raja of Ramgarh under Court of Wards, Krishna Ballabh Sahay told me that there was no truth in it and that they were not thinking of doing so. Actually he said that there was no use when the abolition of zamindari was almost round the corner.

3. As regards the District Board affair at Ramgarh, I had a talk with all of them who were concerned: the Prime Minister, the Minister for Local Self-Government, and Krishna Ballabh Sahay. They have taken more than six months to notify the result of the elections and I am doubtful whether, even now, they will proceed with this business expeditiously. They lay the entire blame on the resolution of the Bihar Provincial Congress Committee according to which they have to consult the leader of the majority party in the Board so as to ensure that the nominations do not in any way nullify the result of the elections. The party on behalf of the Raja of Ramgarh did not send its list of names until the 25th of December 1947. They had thereafter to consult the District Magistrate about the individual claims. They also said that the result of the three special mining constituencies was not yet known. Regarding the charge of partisanship, the Minister for local Self-Government said that there was another area in Manbhum District, the result of which was similarly held up for almost the same reasons, although the majority of the Board was in favour of the Congress. While this may prop up a case, it seems to me quite obvious that there has been unconscionable delay. The District Magistrate sent his nominations in the last week of August. It should not have taken the Ministry more than a fortnight or three weeks to secure from the majority party its list of nominations. If they failed to submit it, within the time allowed, he could have proceeded on his own without incurring any charges of partisanship etc. I have given them a bit of my mind on this subject as well, but I am not quite sure whether they will move rapidly even now.

4. As regards the Ministry as a whole and the local Congress, I am afraid I have returned full of misgivings and disappointment. The Ministry and the Provincial Congress are at loggerheads and the Ministry itself is not united. It was a most sickening thing to enter into these unseemly bickerings and I thought it best to draw public attention in a forthright speech. It also appears that Socialists are fishing in troubled waters and that unless things are dealt with resolutely and discipline is restored with the least possible delay, it might be too late to resuscitate the Congress organisation in this Province.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Dr. Rajendra Prasad
President, Indian National Congress
1 Queen Victoria Road
New Delhi.

48. To Dr. Syama Prasad Mookerjee

1 Queen Victoria Road
New Delhi
29th January 1948

My dear Dr. Syama Prasad,

I was anxious to meet you to have a talk about the present situation but unfortunately on account of my illness it has not been possible. I am leaving tomorrow morning for Wardha and, if health permits, I shall proceed to Ceylon from there and shall not return to Delhi before the 17th February. I am, therefore, writing this to you in the hope that you would give it consideration.

You know that as a result of Bapu's fast there was a wave in this city in favour of communal peace and harmony which was visible all round. I find that the Hindu Mahasabha has started propaganda against that. I understand there was a meeting at Connaught Circus two days ago. From the report of the proceedings which has appeared in some Urdu papers which I have seen, it seems highly inflammatory speeches were delivered. Not only that, slogans were raised in the meeting: *Madanlal zindabad*, *Madanlal ko chhoro*. I understand Madanlal is the young man who is alleged to be responsible for the bomb explosion at the prayer meeting of Gandhiji the other day. I have also heard that Sjt. Deshpande had been to Bihar and he is reported to have said in one of his speeches that Pandit Nehru, Maulana Azad and Sardar Vallabhbhai should be hanged. I cannot understand what object will be served by keeping up communal strife within our own borders. You know more than anybody else how difficult it is for the Government to take up any big serious work when its attention is fully occupied with maintenance of peace in our own territory. We all know the sufferings of our people in Pakistan. That suffering is not lessened by keeping up strife here. On the other hand, the capacity of our Government to proceed with rehabilitation is seriously hampered. May I, therefore, request you to use your influence in the interest of communal harmony and peace within our own territory?

I shall be staying at Wardha up to the 7th February. I shall be obliged for a line in reply. My address there will be: Bajajwadi, Wardha (C.P.).

Yours sincerely,
Rajendra Prasad

49. From Dr. Sachchidananda Sinha

Sinha Library Road
P.B. No. 62, G.P.O.
Patna
1st February 1948

My dear Rajendra,

I received yesterday your kind and affectionate letter of the 28th, from Delhi.

But before I got it, the greatest catastrophe that could possibly befall mankind had occurred, and both you and I are changed men as the result of what had happened. I shall, therefore, reply to your letter later.

We got the news at 6.30 p.m. day before yesterday, and I felt that something should be said immediately on behalf of Bihar. Not knowing who was or was not in town, I undertook the responsibility of doing so, as well as I could, and my statement appeared in the two Patna dailies yesterday morning (the 31st). I am enclosing herewith a copy of it. It may be some very poor consolation to you that something was immediately said by a Behari, whose Province was nearest and dearest to Mahatmaji's heart.

In sorrow and affliction, I remain,

Yours affectionately,
S. Sinha

Enclosure:

(A cutting from *The Indian Nation*, dated 31 January 1948)

MOST STUNNING NEWS, SAYS DR. S. SINHA

PATNA, Jan. 30: Dr. Sachchidananda Sinha in a statement says:

The terribly catastrophic and stunning news which we have just received on the radio of the assassination of Mahatma Gandhi makes it impossible for me to give any message to the Press in the present state of my mind. I had the great privilege of knowing him for the last 58 years, as I was introduced to him in 1890 when both he and I were law students in London. Ever since then I held him in the highest esteem and regard as a great saint—one of the greatest that India had produced—who combined in him the highest form of spirituality with practical idealism of the rarest order. Such men are born in this world at very long intervals. When the present dust and heat of political controversy shall have abated in the fullness of time, the historian of the future will justly claim for Mahatmaji the position of one of the greatest reformers and nation-builders of the world. So far as India is concerned his disappearance from amongst us at the present critical juncture is a most grievous and irreparable loss to the country, as I know of no one who is likely to take his place as the leader of the country. It is not possible for me to say anything further, nor is it necessary, for obvious reasons, to prolong this statement. But on receiving the sad and sorrowful news on the radio I have felt it to be my duty to give this short message to the Press, in which I hope I have fully expressed the genuine views and sentiments of the people of Bihar of all classes, ranks and communities.

50. *From Nanik G. Motwane*

February 2, 1948

Revered Rajen Babu,

For us, group workers of the great Gandhiji, his passing away is the greatest blow, especially at a time when he secured freedom for us and was designing a Free India to put it on a footing equal to every other free nation, in many respects designing to better our free nation than any other in the world.

We could always go to this great father like little children and secure his support for any of our reasonable requests. Today we feel orphaned. Hence I appeal to you to carry on with the great Gandhiji's gospel, become our Bapu and preach and practise in the manner our great Gandhiji did and continue his day-to-day prayer meetings, so that we, the group workers of Gandhiji, find in you our solace and support.

You are the only one personality today in India who can take to this task and who will be able to do it correctly.

I request you to retire from the Congress as our great Gandhiji did and become the soothing cement, like the great Bapuji. It is very difficult to replace the great Author. But then, God has enshrined in you that nobility with which you will be able to serve the nation very greatly on your kindly adopting the first camp follower's attitude in preaching the gospel of Gandhiji day to day.

Do kindly comply with my request is my humble prayer to you.

With humbler respects, I am,

Yours obediently,
Nanik G. Motwane

51. *To Vallabhbhai Patel and Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
The 4th February 1948

My dear Vallabhbhai/Jawaharlalji,

I am enclosing herewith a copy of two resolutions which I propose to place before the Working Committee for consideration.

Yours sincerely,
Rajendra Prasad

Sardar Vallabhbhai Patel
1 Aurangzeb Road, New Delhi.

Pandit Jawaharlal Nehru
17 York Road, New Delhi.

Enclosure:

(Copy of Resolutions)

(1)

The Working Committee place on record their sense of profound sorrow and shame at the assassination of Mahatma Gandhi. The foul deed is indicative of the communal poison which has been sedulously propagated for years in this country and has recently caused reactions and gained adherents even in circles which were immune before. It was against the spread of this poison that Gandhiji pitched the whole might of his great personality and voluntarily risked his life by undertaking an unlimited fast shortly before his tragic murder to establish peace and harmony and conditions in which Muslims could live with honour and security in India. The Working Committee feel that the poison must be eradicated if the nation has to live, grow and prosper. The world-wide reaction to Mahatma Gandhi's death places on India a special responsibility of fulfilling his last wish. It is, therefore, necessary to make a supreme effort for establishing communal harmony and thus achieve as a result of his death what was not fully achieved during his lifetime.

2. The Working Committee calls upon all Congressmen and organisations to initiate and carry on an intensive drive against communalism by removing causes of friction, by ensuring to Mussalmans peaceful observance of their religious rites and by organising fraternisation among members of all communities. More than any outward demonstration is required a change in the mental attitude of the people at large. It should be clearly understood and realised that the only way to establish peace and goodwill is to show it in spite of provocation and in spite even of justifiable resentment against actions of others. Let everyone realise that all will be right if one sets oneself right regardless of what happens to others and elsewhere.

3. The Working Committee asks the Government to take note of forces acting in the open or in the dark to disrupt the roots of social life and take action to counteract them. It is also necessary that confidence should be created in the people that the state is ready and prepared to preserve and protect all its citizens irrespective of caste and creed, to meet all emergencies, and to leave no excuse for the formation of private groups or parties on the pretext of defending the state. All private armies or army-like formations should be forbidden and organisations based purely on religion for political ends discouraged.

4. To become an effective instrument for carrying out the heavy and responsible duty which devolves upon the Congress it should set its own house in order and the Committee calls upon Congressmen to purify the organisation even at the risk of shrinkage of the extent of its activities and membership. It should be remembered that during his last days Gandhiji was worried by the fall in the standard of action of Congressmen which he expressed in unambiguous language at the time of his last fast and it is up to every worker of the Congress to exercise introspection and help the great organisation which had been built up

during the course of years at tremendous sacrifice and recover and re-establish the standard which Gandhiji had set before it. Possession of power should make Congressmen sober and humble, realise their responsibility and turn themselves into fit servants of the people.

(2)

In the opinion of the Working Committee the most fitting memorial of Mahatma Gandhi is his own imperishable teachings and achievements. Nevertheless, it is considered necessary to have a central memorial which can give expression in concrete form to the high ideals of truth and non-violence which he preached and lived up to in his own life. For this purpose it is necessary to organise and push forward the various kinds of constructive activities which he carried on through various organisations. It is also necessary to collect, preserve and propagate his teachings and above all to work in a form intelligible to the world at large, for the establishment of peace and goodwill amongst all which was his life-breath. The Working Committee therefore resolves that a sum of Rs. . . . be collected and that to work out a plan for the memorial a conference be convened at a suitable place to which persons interested in the matter in other countries also may be invited. The Committee appoints the following sub-committee to give effect to the above resolution and appeals to all to contribute to the fund.

1. Rajendra Prasad — *President*
2. Sardar Vallabhbhai Patel
3. Jawaharlal Nehru
4. Maulana Abul Kalam Azad
5. Prafulla Chandra Ghosh
6. Shankarrao Deo
7. Sucheta Kripalani
8. Govind Ballabh Pant
9. J.C. Kumarappa—*Secretary*
10. C. Rajagopalachari
11. J.B. Kripalani
12. B.G. Kher
13. R.R. Diwakar
14. J.R.D. Tata
15. G.D. Birla
16. Kasherbhai Lalbhai
17. A. Chettier
18. Jagjivan Ram
19. S. Gurmukh Singh
20. Maharaja Patiala
21. Maharaja Bikaner

52. From Vallabhbhai Patel

1 Aurangzeb Road
New Delhi
5 February 1948

My dear Rajendrababu,

I am sending herewith copies of two letters with their enclosures which I have received from Balasaheb Kher. Perhaps you might like to take it up in the Working Committee for disciplinary action.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Rajendra Prasad.

Enclosure 1:

PERSONAL & SECRET

Secretariat
Bombay
30th January 1948

My dear Sardar Saheb,

Here is an official report from the President of the District Congress Committee, Balgaum, enclosing copy of a speech made by Mr. Jedhe at Nandgad.* Not only myself but Morarjibhai, Jivraj Mehta, Amrit Kaur, Hansa Mehta, yourself, Dahyabhai, Mangaldas Pakvasa, M.P. Patil, L.M. Patil, etc., have been unnecessarily maligned. This is what happens almost every day. I think the Congress Centre has ceased to function so far as discipline is concerned. The President, District Congress Committee, Belgaum, whose letter dated 29th January 1948 is enclosed,* certifies that the statements in the cuttings of the newspapers are absolutely true.

Yours sincerely,
B.G. Kher

The Hon'ble Sardar Vallabhbhai Patel
1 Aurangzeb Road, New Delhi.

*Not included.

Enclosure 2:

PERSONAL & SECRET

Secretariat
Bombay
30th January 1948

My dear Sardar Saheb,

I forward for your information the purport of a speech reported to have been

made by Mr. Jedhe, President of Maharashtra Provincial Congress Committee, in Belgaum District on 13th January 1948, as reported in the Kannada bi-weekly *Sandesh*.

Yours sincerely,
B.G. Kher

The Hon'ble Sardar Vallabhbhai Patel.

(Purport of a speech made by Keshavrao Jedhe, as published on 23 January 1948 in *Sandesh*, a Kannada bi-weekly)

Messrs. Baburao Dalal and K.V. Shapurkar publish the following important particulars in the *Sandesh* from a speech reported to have been made by Mr. Keshavrao Jedhe, President, Maharashtra Provincial Congress Committee, at Nandgad, District Belgaum, on 13.1.1948. The said particulars are as under:

(1) What has our Bombay Cabinet done? Bala Saheb is our Premier. What is there in his hands? All authority vests in Morarjibhai. Balasaheb, at the most, receives addresses and laughs heartily. (2) Influence is the order of the day in the Congress. The Ministers give high positions and posts to their relatives. (3) Even some women have been raised to high positions merely because they took part in Gandhiji's prayers. The husband of a lady who was beating the cymbals at the prayers has been elevated to the position of Health Minister of India. The name of this lady is Mrs. Hansa Mehta.¹ (4) Kashmir is going to be absorbed in Pakistan. The molehill of this Kashmir affair has been turned into a big mountain simply because Kashmir is the native place of Pandit Nehru. If this were not the case how is it that Pandit Nehru has not cared to look into the question of Hyderabad where hundreds of our people are dying? (5) Mr. Dahyabhai² says that Bombay cannot be included in the Samyukta Maharashtra Province. Is Bombay his father's property? All powers vest at present in the capitalists. (6) Mr. Mangaldas Pakvasa³ meets Mr. Vallabhbhai, holds some private conversations with him, and within two days of this interview he is appointed as a Governor. I am at a loss to find out the secret underlying all this. (7) Most of our Assembly members elected on the Congress ticket are poor. Where did the money which was spent on these M.L.A.s come from? Last time Walchand Shetji had stood for election against me. This time the Congress took Rs.50,000 from his brother and gave him its ticket. It is this fifty thousand rupees that was spent on the election of the rest of the Congress M.L.A.s. This will suffice to show the trend of our M.L.A.s in casting their votes. (8) When did the present Ministers, Messrs. M.P. Patil and L.M. Patil, enter the Congress? They came after me. (9) We are not supplied with arms when we apply for them. Is this due to the fear that we may use them against the Marwadis? (10) I want a labour government. I do not want a capitalistic government. I have got sufficient money from my

father. I am not at all anxious to hunt for money from others. I do not hanker after power and honour.

People were talking among themselves whether Mr. Jedhe was speaking about a United Maharashtra or was only vomiting poison against the Congress.

¹Vice-Chancellor, Baroda University, 1949-50; Member, Constituent Assembly; Member of Delegation to Commonwealth Parliamentary Conference, 1948.

²Son of Vallabhbhai Patel; Member of Bombay P.C.C., 1946-56; first elected to Rajya Sabha, 1958; re-elected 1964; Swatantra Party Leader in Rajya Sabha for some time; Businessman by profession.

³President, Bombay Legislative Council, from July 1937 to August 1947; Governor of Madhya Pradesh and acting Governor of Bombay, 1954-55.

53: *To Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
The 6th February 1948

My dear Jawaharlalji,

Now that it has been settled, more or less definitely, that the Secretariat of the Constituent Assembly and the Secretariat of the old Legislative Assembly Department are not to be amalgamated, the time has arrived when it is necessary to consider what will be the future of the men who are at present employed in the former.

It is often assumed that the functions of the present Constituent Assembly organisation will cease as soon as the Constitution has been passed. This arises out of a misconception. Even after the Constitution has been passed, some time will be necessary before it can be put into full operation, and a number of essential preliminary steps will have to be taken during the interval. Among these steps will be the framing of the electoral rules, the preparation of electoral rolls based on adult franchise, and the delimitation of constituencies for the Central as well as the Unit Legislatures.

Again, during the same interval, we shall have to get ready an Adaptation Order under section 233(2) of the Draft Constitution, having regard not only to the altered distribution of powers between the Centre and the Units, but also to the provisions of section 9 of the Draft Constitution, relating to Fundamental Rights. This order may ultimately prove to be comparatively short, but, in order to prepare it, the entire statute book of existing laws will have to be examined. If a detailed Act-to-Act examination is not possible, we may have to be content with some kind of a general formula, but in any event an Adaptation Order of one kind

or another will be necessary for adapting the existing laws to the requirements of the new Constitution.

Then, again, under sections 224 and 225 of the Constitution, provision will have to be made for the appointment of an Election Commission and a Bill may have to be drafted providing for the powers of the Commission, its procedure and all incidental matters. So, too, a Bill regulating citizenship in pursuance of section 7 of the Draft Constitution.

These have been mentioned only by way of illustration. There will doubtless be a good many other matters to be dealt with before the new Constitution can come into full operation.

The best agency for examining and dealing with all the matters mentioned above is the existing Constituent Assembly organisation which has been associated with the Constituent Assembly from its inception, has prepared the draft of the Constitution and is in a position to know exactly what has to be done.

After the new Constitution has been brought into force completely, I would suggest that this organisation should be converted into the Secretariat of the Upper House of the new Parliament. Hitherto, there was no separate Secretariat for the Upper House of the old Indian Legislature; the work was handled by the then Legislative Department, now Ministry of Law. The position under the new Constitution will be very different, the new Upper House (Council of States) will be a much bigger body, with over 200 members, and with powers almost coordinate with those of the Lower House. The necessity therefore of building up an independent and self-contained Secretariat for the Council of States is obvious. My suggestion of utilising the present Constituent Assembly organisation for this purpose will, apart from making readily available a trained staff for the Upper House, also result in maintaining a very essential link with the past.

This does not mean that the Secretariat of the Constituent Assembly would continue at its present strength. We have been gradually reducing the strength of the office and a further reduction will take place as soon as the Constitution Act is passed. From July next, only a very small portion of the office will remain, just enough to carry on the work connected with the bringing into force of the various provisions of the Constitution as indicated above.

I am averse to coming up with this proposal at a time when the Government is preoccupied with various other problems, but my main reason for doing so is the extreme urgency of the matter brought about by the growing sense of insecurity of tenure among the members of my staff. Already quite a number of them, trained men all, have applied for posts elsewhere, and some of them have got offers of appointment. This sense of insecurity has also affected the work of this office considerably. In fairness to the men, we cannot stand in the way of their getting permanent employment elsewhere, unless we give them some sort of assurance regarding their future. At the same time, we cannot afford to lose men at a time when we require them most.

If the above proposals are approved, I shall have the necessary details worked out in due course.

Yours sincerely,
Rajendra Prasad

The Hon'ble Pandit Jawaharlal Nehru
Prime Minister
New Delhi.

54. *To Harekrushna Mahtab*

I Queen Victoria Road
New Delhi
The 7th February 1948

My dear Mahtab,

I have received your letter of the 27th January. Please excuse me for the delay in replying, the reason for which you can easily understand. My grievance is that the Praja Mandal movement in the States has been utilised for amalgamating the two States into Orissa. As we all know all these Praja Mandal movements were for the purpose of securing for the people responsible government in the States which they could run according to their wishes. It was never a part of the Praja Mandal movement so far as I know to bring about amalgamation of particular tracts within British India as it was before the 15th August. The grievance is that the Praja Mandal movement there has been mixed up with the movement for amalgamation of Singhbhum with Orissa and this has been achieved. I do not of course approve of one Province quarrelling with another when there is a Centre to deal with these things but I told you the reasons why people were agitated. Now that the tribunal has been appointed I suppose there is nothing more to do than placing the case before it. As a matter of fact two or three days ago I had a telephonic talk with Patna and I believe the Prime Minister would be contacting you in this connection so that you both may find some way out. I do not know what connection Bihar Government has got with Mr. Jaipal Singh. All I know is that the Government of Bihar and Mr. Jaipal Singh have not been on the best of terms and the Adibasi movement is looked upon with greatest suspicion in Bihar.

Yours sincerely,
Rajendra Prasad

The Hon'ble Shri Harekrushna Mahtab
Prime Minister, Orissa
Cuttack.

55. From Jawaharlal Nehru

New Delhi

7 February 1948

My dear Rajendra Babu,

I enclose a note embodying some *ideas* I have about the proposed memorial for Bapu.

Yours,

Jawaharlal Nehru

Dr. Rajendra Prasad
1 Queen Victoria Road
New Delhi.

Enclosure:

(Jawaharlal Nehru's note on a national memorial for Mahatma Gandhi)

Broadly speaking we are not aiming at any central institute, though possibly some such institutes might grow up as feeders for our other activities. We do not wish to spend too much money over brick and mortar. Nevertheless I think that brick and mortar has its uses and it is desirable to give some solid and substantial shape to our work. This has a psychological importance and a permanence.

I suggest that one of the principal forms of the memorial should be as follows.

A series of what might be called Mahatma Gandhi Panchayat Ghars should be established in a large number of villages. The name of course is unimportant.

These Panchayat Ghars should be the nerve centres and culture centres of the village or of a group of villages. They should have some kind of a hall for school classes, lectures, for the display of educational films, etc. There should be other rooms for various purposes, such as library and reading room, village industries, cooperatives, Harijan work, simple medical relief more or less on nature cure lines, and a small museum of agricultural implements where seeds etc. could also be kept, and such like other purposes.

This Panchayat Ghar should serve as the centre of village life. The Panchayat should meet there; basic schools would be held there; adult literacy classes and games for children could be organised. Village industries and cooperatives would have their headquarters there. It should be laid down that the Panchayat Ghar may also be used as a kind of simple village club-house, and that it is open to persons of all religions and creeds and no discrimination will be permitted.

Each Panchayat Ghar should be formally in charge of the Panchayat, but in effect one fairly competent person should look after it. He might be the Secretary of the Panchayat or the village schoolmaster, preferably the latter, who might also be a kind of an adviser to the Panchayat.

The Panchayat Ghars should be simple and yet artistically made. There may be two or three standardised patterns of differing sizes. It will not be possible of

course to have such a Panchayat Ghar in every single village in India, though ultimately I hope this may be done. We might start with a thousand such Panchayat Ghars. Their ownership may vest in the trust, but in effect they will belong to the village Panchayat. It might well be possible to get free labour and local materials to build them. This would reduce the cost of building greatly. After building and equipping them, the cost of maintenance should not be great. Part of it at least should be met with from the village funds.

These are some very rough ideas. If they are generally approved, details can be worked out.

J. Nehru
7.2.1948

56. *From Srish Chandra Banerjee*

Silpa Ashram
Purulia
7th February 1948

My dear Rajendra Babu,

Since Gandhiji's demise, the realisation that he is no more with us opened my eyes to the ideal that was his. And my sense of responsibility in completing his unfinished work prompts me to address this letter to you.

In 1935, at the call from Bihar and particularly from Late Rishi Nibaran Chandra Das Gupta, I left the Himalayas and on my way to Purulia I met you at Patna, Nilkuthi. I then ventured to suggest to you that there was an immense possibility of carrying on Gandhiji's constructive work in Bihar and I requested you to take the lead and initiative, and you assured me that you would. But for some reason or other it never materialised. However, all these days I have been carrying on with this work in my district in my humble way.

My experience of the last two years, as a member of the Bihar Legislative Assembly, has, I regret to tell you, thoroughly disillusioned me and I am now convinced that, if for nothing else, at least for the sake of Bihar itself, it is very necessary to organise an organisation of the Congress, which would not only be responsible for carrying on with the constructive work but would also be responsible for creating public opinion against corruption, favouritism, and nepotism. And in my opinion you are the fittest person after Gandhiji, through whom Gandhiji's ideal may achieve manifestation and as such I consider you to be the only person to take the lead in forming such an organisation in Bihar. In the very nature of things, persons with a love of power, and past masters in power politics, will have no place in such an organisation, which would consist of those who are prepared to give all their best without caring for appreciation and approbation, much less for money or name. Perhaps only a handful will join us, but that should not deter us for the simple reason that what counts is not

the quantity but the quality, and I feel sure we will succeed in the long run. Mahatmaji started the first Satyagraha campaign in Bihar and to perpetuate that let us under your guidance and initiative start on work with faith within and God over head.

My considered opinion is that now that Congress has brought India's independence we should not get ourselves involved in power politics in running the Government but should continue to work in such a way for real constructive work that through the moral influence of such selfless Congress workers the public life in India will grow purer and purer day by day. My own conception of this organisation I may well express in these words. "....." (Hindi words used here.) In case you feel an urge to take the initiative in this line, I pledge my services, for whatever they are worth, to you at any time you like. I believe and trust this time I shall not have occasion to be disappointed by you.

May I expect a line from you?

Yours sincerely,
Srish Chandra Banerjee

57. *To Dr. Sachchidananda Sinha*

1 Queen Victoria Road
New Delhi
7th February 1948

My dear Sir,

Your letter of the 26th January. When leaving for Wardha on the 30th I wrote to you in some detail and I hope by this time that letter has reached you. Since then we have had a great calamity of Mahatma Gandhi's assassination. I went to Wardha on the 30th and returned here on the 31st to be present at the cremation which I did but since then on account of the strain I have not been well and in fact I have fever and the usual trouble of asthma which still continues. But there is nothing to worry about as it is the usual thing and I hope I shall get over it.

I have had some correspondence with the Prime Minister of Orissa. Of course his grievance is that although Bihar and Orissa are both Congress Provinces and under Congress Ministry, Bihar has started a bitter agitation and has threatened the use of force, etc., etc. I wrote to him that there is very strong feeling in Bihar because Bihar feels it has somehow or other been outmanoeuvred in this matter. However, now that the matter is before the tribunal I hope the case will be placed before it.

I am thankful for the cuttings about the claim of Bengal to portions of Bihar.

Yours affectionately,
Rajendra Prasad

P.S. After the above was dictated I read your letter dated 31st with which you have sent a cutting containing your statement on Mahatmaji. It also tells me that you have received my letter referred to above.

Rajendra Prasad

58. *From Vallabhbhai Patel*

ALL INDIA CONGRESS COMMITTEE

1 Aurangzeb Road
New Delhi
8th February 1948

My dear Rajen Babu,

I received in Ahmedabad three cheques for a total amount of Rs.25,000 (Rupees twenty-five thousand only) with the express condition that the amount would be returned to Ahmedabad for purposes of relief of refugees who are already there. I am, therefore, crediting the amount to the Punjab Relief Fund, but I am sending a cheque for an equivalent amount to Ahmedabad for expenditure on relief in the district. I hope you will endorse this action.

Yours sincerely,
Vallabhbhai Patel
Treasurer

Dr. Rajendra Prasad
1 Queen Victoria Road
New Delhi.

59. *From A.K. Ghose*

Writers' Buildings
Calcutta
9th February 1948

Dear Friend,

I beg to send herewith a report regarding the change of Ministry in the West Bengal Government.

On 12th January the then leader of the Party and Premier Dr. P.C. Ghosh received intimation from certain members of the Assembly Party, through the Chief Whip, that the opinion of a large majority in the Party was that in the emergency then existing in the Province the Ministry should be reconstituted under the leadership of Dr. B.C. Roy (vide Appendix "A").

On the 14th January Dr. Ghosh wrote to Dr. Roy that as the majority of the Congress Assembly Party wanted the latter as the leader of the Party, he resigned the leadership of the Party and his resignation from the Cabinet would follow and that he was calling a Party meeting immediately for the acceptance of his resignation and the election of the Party Leader (Appendix "B").

The Party meeting was held on 15th January 1948, in which the resignation of Dr. P.C. Ghosh was accepted and Dr. B.C. Roy was unanimously elected Leader of the Party. Detailed proceedings of the meeting are given in Appendix "C".

Dr. Roy assumed office of Premier on 23rd January 1948 and announced the names of Ministers on 23rd January 1948 (Appendix "D").

Yours truly,
A.K. Ghose

Dr. Rajendra Prasad
President, A.I.C.C., and Chairman,
All India Parliamentary Board.

Enclosure not included.

60. To Jawaharlal Nehru

ALL INDIA CONGRESS COMMITTEE

1 Queen Victoria Road
New Delhi
9th February 1948

My dear Jawaharlalji,

I would like to consult you regarding the Committee about the Gandhi National Memorial Fund which the Working Committee has authorised me to form. If the Committee could be formed and we could have a preliminary meeting, we could start the work. It is necessary to nominate the banks and to take some other preliminary steps for starting collection. I shall be obliged if we could meet sometime tomorrow and fix up these things. If we could fix up the Committee in the earlier part of the day and if the Committee consisted of persons resident in Delhi the Committee could meet sometime in the afternoon and decide the other points before you leave for Allahabad.

Yours sincerely,
Rajendra Prasad

The Hon ble Pandit Jawaharlal Nehru
17 York Road, New Delhi.

61. *To Dr. Bidhan Chandra Roy*

1 Queen Victoria Road
New Delhi
9th February 1948

My dear Dr. Roy,

I have received your letter dated the 20th January about the Gurkha League. I was not aware that they were indulging in activities of the kind mentioned in your letter. Syt. Gurung who is a member of the Constituent Assembly approached me sometime ago with a request that I should attend their annual conference. I had given him a sort of half promise subject of course to my other engagements and health. As you know I have not been at all well and it may not be possible for me to attend their conference even if I wanted to but I shall of course bear in mind what you say and when he approaches me I shall talk it over with him.

Yours sincerely,
Rajendra Prasad

The Hon'ble Dr. Bidhan Chandra Roy
Prime Minister, West Bengal
Calcutta.

62. *From Vallabhbhai Patel*

New Delhi
9 February 1948

My dear Rajen Babu/Gulzarilal,

You will be interested to read the enclosed copy of a letter which I have received from Mukut Dhari Singh. (I hope Khandubhai [Desai] has got over his illness.)

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Dr. Rajendra Prasad
New Delhi.

Shri Gulzarilal Nanda
Minister for Labour, Bombay.

Enclosure:

(Copy of a letter from Mukut Dhari Singh)

P.O. Jharia (Manbhum)

Bihar

30 January 1948

Respected Sardarji,

Excuse me for venturing to write a few words to you, knowing fully well your important and urgent preoccupations. I believe you have not forgotten me. When I met you in Wardha last, in August 1946, little did I know that your prophecy about the Socialist Party of India was to come so true. But it has actually happened like that and I have found it impossible to work with them and have resigned. I have been reading your speeches about the labour movement very carefully and feel that real industrial truce must be maintained till our new-born state is strengthened and stabilised.

But here in our coalfields things are moving otherwise, and one strike after another is hampering production and keeping the peace of the coalfields disturbed. If there were real grievances and the workers went on strike to get them redressed, one could tolerate them—at least sympathise with them. But when we know it for certain that these strikes are being caused for the sole purpose of capturing leadership or power and workers are being used as pawns on the chessboard of party politics, we shudder to think as to what is in store for our country. But the worst part of it is that the Government's mind does not seem to be clear. Excuse me when I say that many of these strikes could not have lasted even for a week if local Government officials had not shown unusual favour to the strike leaders, especially the Socialists, and had not given them all indirect and direct support.

Take for instance the strike in Tata's collieries. Nothing can be more unjustified than this strike and everybody knows it. Still you will be surprised to know that those who want to go to work and do not want to be on strike are driven back at the point of lathis by the strikers and the officials in charge of law and order are all the time laughing and chatting with the strike leaders.

Anyway, I write these few words in good faith and as an humble servant of the workers. And this for the simple reason that your mind alone appears to be clear about the shape of things to come. All Left parties, especially the Socialist Party of India, are preparing for the future elections and the capture of power. When this is so, would it not be dangerous to follow a policy of appeasement and allow them to consolidate their position? This is exactly being done, and the Government is giving them the prominence which they do not deserve. Believe me when I say that your officials are sabotaging the Government, and nothing is being done either to implement the resolution of the Industrial Conference or the resolution of the Congress Working Committee. A policy of drift is dangerous and must be put an end to. The position is more serious than what I can express in

my letter. If ever I get an opportunity of meeting you, I can place you in possession of full facts.

As for myself, I have resigned from the Socialist Party but have not as yet joined the INTUC. I had a talk with Shri Khandubhai at Patna but could not make up my mind then. Now I have made up my mind and propose joining it in the near future because I feel that in this hour of national crisis, the INTUC must be strengthened. I shall be addressing a letter in this connection to Shri Khandubhai.

This letter has become a little bit lengthy and may cause you inconvenience, but I have ventured to address you because today you are the only hope of India and can deliver the goods.

Beg to be excused for encroaching upon your valuable time.

Obediently yours,
Mukut Dhari Singh

Sardar Vallabhbhai Patel.

63. *From Dr. Bidhan Chandra Roy*

36 Wellington Street
Calcutta
10th February 1948

My dear Rajendra Babu,

I am enclosing herewith a list of persons selected by me for the Ministry and sworn in as such. I am sorry if I have failed to send you a formal report earlier, as I did not know the rules.

I have taken in 12 Ministers. The reason for this I have set forth in a separate note, which I am enclosing for your perusal.

You will notice that myself have to take up four Departments, namely, General Administration and Development, Home, Local Self-Government, Public Health and Medical. Nalini Babu has three Departments, namely, Finance, Commerce, and Industry. Personally I have always desired to keep only Development and Administration in my hands. But, I am afraid, this is not to be yet. The result is that I have to work almost the whole day for the different Departments, leaving little time for purposes of development.

I understand from friends that those members of the Assembly who were not satisfied with the selection of the Ministry, are trying to stage a shuffling. In response to Gandhiji's call to form an "excellent ministry" and in pursuance of the fact that the Party elected me a Leader and that, in doing so, the prominent men gave me in writing that while they *desired* that the Ministry should be formed from among the members, they yet left the number and the personnel to my unfettered discretion, considering the needs of the Province as a whole, I have chosen my Ministry. I am happy to say that the colleagues have put their heart

into their work. I have taken three persons from outside, namely, Nalini Babu, Haren Babu and Sjt. Prafulla Sen. Every one of them are exceptionally suited for the portfolio they are holding. I wish I could choose the whole lot of Ministers from within the Legislature. But I regret to say I could not manage it. I appealed to Sjt. Prafulla Ghosh to join and, at the desire of Maulana Azad and Sjt. Rajagopal, was keen upon his taking up the Home Department. But he refused.

There is no question that if the recalcitrant element desire by a majority to recall this Ministry, I shall be happy to hand over to anyone whom the majority want. I am afraid, however,—and I want to make it clear to you—that after this, no new Ministry can be stable in Bengal and you will have to think of dissolution if you want to save Bengal from the fate which has overtaken France.

The present Ministers are taking the same salary as previously, namely, Rs.1,250 a month inclusive of allowances. I am getting Rs.250 more as allowance. The total cost on Ministers today is not more than the cost on Ministers and Parliamentary Secretaries in the previous Cabinets. Therefore, the outside members have not been attracted by the salary but have joined at my request out of a spirit of service.

I have given in brief my viewpoint regarding the formation of Ministry by me in Bengal. I hope they will have your good wishes in their task.

Yours sincerely,

B.C. Roy

Prime Minister, West Bengal

P.S. Syama Prasad is to be elected on 14th. If there be no contest—I do not think there will be any—the results may be declared on the 13th. Meanwhile the scheduled caste people are annoyed that we are electing Syama Prasad in place of S. Mallik, a scheduled caste member.

B.C. Roy

Enclosure 1:

(List of persons constituting the West Bengal Ministry)

1. The Hon'ble Dr. Bidhan Chandra Roy: Premier; Development, Home, Health and Local Self-Government Departments.
2. The Hon'ble Sri Nalini Ranjan Sircar: Finance, Commerce and Industries Departments.
3. The Hon'ble Rai Harendra Nath Choudhury: Education Department.
4. The Hon'ble Sri Nikunja Behari Maity: Cooperation, Credit, Relief and Rehabilitation Departments.
5. The Hon'ble Sri Bimal Chandra Sinha: Works, Buildings and Communication Departments.
6. The Hon'ble Sri Bhupati Mazumdar: Irrigation and Waterways Department.

7. The Hon'ble Sri Prafulla Sen: Civil Supplies Department.
8. The Hon'ble Sri Niharendu Dutt Mazumdar: Judicial and Legislative Department.
9. The Hon'ble Sri Mohini Mohan Barman: Land and Land Revenue Department.
10. The Hon'ble Sri Kalipada Mukherjee: Labour Department.
11. The Hon'ble Sri Jadavendra Nath Panja: Agriculture and Veterinary Department.
12. The Hon'ble Sri Hem Chandra Naskar: Forest and Fisheries Departments.

Enclosure 2:

(Note by Dr. Bidhan Chandra Roy)

In the first statement I issued to the public, I made it clear that I expected that myself and the members of the Ministry will give personal, individual and undivided attention to the subject under his charge. A large combination of subjects under one Ministry necessarily precludes him from bestowing such attention to the specific charge under his control. Before August 1947, the system of administration was laid down and carried out on a particular and standardised pattern evolved during the decades of foreign rule and the permanent services carried them out to the best of their abilities and the Ministers or Members in charge of Government were called upon to enunciate any new policy or modify the existing ones to suit the existing patterns of the administrative machinery. Today the Ministers have not only to do this but to evolve a new pattern in terms of the masses. They must visit areas in different parts of the Province; they should understand the needs and wants of the villages and villagers. It is not enough that they should get through their administrative work at the Secretariat but they should personally supervise the activities of the Secretariat machinery.

Then there is another reason for the expansion of the Ministry. I personally have always desired that I as Premier should mainly be the coordinating authority between the Ministerial Departments and bestow my attention to development of the Province. I have always held that such development has to be based on the principle of "multipurpose". Development cannot take place in watertight compartments. One cannot plan any development in agriculture without considering the problems of irrigation and communication. Any health measures meant for the villages cannot ignore the problem of irrigation, communication and drainage of swampy areas, and so on. I desire to be left free to deal with such measures.

I have no intention at present to have any Parliamentary Secretaries at the present moment except the Chief Whip. The Ministers should face the Assembly themselves. I have asked them, however, to train one or two members of the House in their respective Departments so that the trainees might, in time, be capable and efficient Ministers.

Lastly, the strength of a Ministry cannot be gauged by mathematical standards. The Province of West Bengal may be a small part of the original Bengal, but the problems remain the same. The personal approach to different problems by the Ministers has to be established and I am satisfied that functionally this size of the Ministry, under the present circumstances, is indispensable.

The new men who have come in are persons whose capacity for work, honesty of purpose, and spirit of service are to my mind unquestioned. They have come in, not lured by the salary because they themselves earn much more which they had to sacrifice, but because they felt that the country needed their services.

64. *From Vallabhbhai Patel*

New Delhi
The 10th February 1948

My dear Rajendrababu,

Thank you for your letter dated the 26th January 1948 about Kharsawan and Seraikela.

As regards other States, we have already asked the Prime Ministers of Bihar and C.P. to come to Delhi on the 21st February so that we could thrash out these rather ticklish problems.

As regards claims and counter-claims of Orissa and Bihar, I have written to Sri Babu and Mahtab telling them to settle this problem amicably and not to prolong bitterness and ill feeling either by continued hurling of charges and counter-charges or even by resort to a tribunal, for the tribunal is bound to decide against one party or the other and its decision would in no way put a stop to bitterness and ill feeling.

Failing this settlement, of course the matter will have to go to a tribunal to which we have already appointed Mr. Justice Bavdekar of the Bombay High Court.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Dr. Rajendra Prasad
President, All India Congress Committee
1 Queen Victoria Road
New Delhi.

65. *From Dr. Sachchidananda Sinha*

Sinha Library Road
Post Box No. 62, G.P.O.
Patna
The 10th February 1948

My dear Rajendra,

Some days back I wrote to you, soon after the death of Mahatmaji. Last night I heard you on the radio, and I agreed with every word of what you said in your talk. This morning Mahamaya has very kindly come round to see me, and has told me that you were making of him very kind enquiries about my health. I am fairly well for my time of life. I have kept fairly good health throughout this winter, unlike last year when my health had suffered a serious set-back at Delhi, on account of intensity of the cold at that place. All going well, I intend coming to Delhi in the first week of the next month to stay there for at least a fortnight, and look forward to meet you there, and to have long talks with you about public and personal matters. I hope that you will kindly so arrange your programme that you may be at Delhi at that time.

I am sending by separate post the latest Memorandum on the integration of Surguja and Jashpur States to Bihar. You will remember that you wrote to me (in your last letter) that Sardar Patel had told you that no such representation had been made to him by the Bihar Government. I fear, his memory failed him when he said that to you, as the last two pages of the Kharsawan and Seraikela. Memorandum dealt with this particular matter. These passages have been quoted in the Surguja and Jashpur Memorandum also, at the very outset, to serve as a reminder to Sardar Patel. We have done our best to put the case before him as clearly as we could on behalf of the people of Bihar. God only knows what the decision of the Commissioner (the Bombay High Court Judge) will be whose name has been announced today.

Lastly, the Patna Radio Station Director asked me yesterday to give my talk about Mahatmaji, and I have agreed to do so on the evening of the 12th at 7 p.m. I shall try my best to send you a copy of my talk.

Hoping to hear from you in due course and trusting all well, I remain, with my blessings and good wishes.

Ever yours affectionately,
S. Sinha

P.S. I received from Thakkar Bapa a copy of his Committee's report on the Jharkhand Province. Except for a milk-and-water note of dissent, by Jaipal Singh, the Report has rejected the case for a separate Province.

S. Sinha

The Hon'ble Dr. Rajendra Prasad Saheb
President, Constituent Assembly of India
1 Queen Victoria Road, New Delhi.

66. *To Vallabhbhai Patel*

1 Queen Victoria Road
New Delhi
11 February 1948

My dear Vallabhbhai,

Thanks for your letter dated the 10th February regarding Kharsawan and Seraikela. I received a telephonic message from Bihar the other day and I understand that Sri Babu is contacting both Shri Mahtab and Shri Shuklaji about the disputes between Bihar and Orissa and C.P. about some of the States. I hope something will come out of it.

Yours sincerely,
Rajendra Prasad

Sardar Vallabhbhai Patel
1 Aurangzeb Road, New Delhi.

67. *From Padampat Singhania*

Kamla Tower
Cawnpore
13th February 1948

My dear Dr. Rajendra Prasadji,

I have read carefully the summary of the Congress Economic Committee's Report which is going to be considered in the next meeting of the All India Congress Committee. The Report raises many important questions and requires further clarification and elucidation to enable industrialists to formulate their considered opinion upon it. Therefore, I venture to draw your attention to some of them in the hope that we may ultimately reach conclusion beneficial to the country and the nation.

I cannot venture to express any opinion on agricultural reorganisation, but have no hesitation in agreeing with the points of view of having a "national minimum" and the need of cottage industries so as to utilise the great productive power which goes to waste nowadays on account of the agricultural work being intermittent. The utilisation of the idle time of the rural population will not only increase the income of the rural population but will also increase the production of consumer goods immensely helping in the rise of the general standard of living. But I do not quite understand when it is stated: "industries producing articles of food, clothing and other consumer goods should constitute the decentralised sector of Indian economy and should be run on cottage or small-scale basis".

Does it mean that all large-scale production of all consumer goods is to be prohibited in future? And will such prohibition be really in the interests of the people or will it raise their standard of living? I believe that the greater the production of consumer goods, the higher is the standard of living. One can understand measures to increase the production of such goods and not their limitation. Such increase can be secured by a proper coordination of the small-scale and large-scale production and not by the killing of the latter. Indeed, for a full development of cottage industries, also a huge effort, expenditure spread over probably more than a decade will be necessary; and will it be politic to create apprehensions in the minds of the large-scale producers in the meantime by such statements?

Similarly the implications of the following statement made in the Report are not quite clear:

New undertakings in defence, key and public utility industries should be started under public ownership. New undertakings which are in the nature of monopolies or in view of their scale of operations serve the country as a whole or cover more than a Province should be run on the basis of public ownership.

In the first instance, it will be helpful to be told what is meant by "defence and key industries". In a way today every industry can be included in this term. Even production of cloth whether by large or small scale can be said to be a defence industry because cloth is required for equipping armies. Cultivation of cotton may be said to be defence industry because cotton is required for producing munitions. Even paper, aluminium, silver, coal, petroleum industries can be so included. Is it intended to define "defence" so comprehensively or to limit the term to ordnance factories? Then in key industries all agricultural and mining can be included besides iron and steel and engineering industries. Then the last clause of the above-quoted statement raises a fundamental issue. The very conception of large-scale industry means that it produces for a wide market, and therefore it will cover more than a Province. Then is it the intention to taboo all large-scale private enterprise in future?

The Report aims at producing regional self-sufficiency in areas of about 10 lacs population. But is it really possible, or will it be helpful in consolidating the country into a strong whole, and will it not rather reduce the people to more or less primitive types of standard of living, besides dividing the country into innumerable economic fragments? Then there will be the important question of protecting such an economy from the competition of foreign manufactured goods. Modern large-scale production being eliminated from the country the only way of protecting this economy will be the total prohibition of all imports. If this is done then will it not entail India's withdrawal from U.N.O. and her complete isolation from and opposition to the rest of the world? One may be excused for doubting the practicability of such a thorough-going scheme which really tries to set

the hands of the clock very far back. Moreover, all regions do not produce petrol, coal, or iron, or cotton, or sugarcane; and it is physically impossible for them to be self-sufficient. Many regions then should go without tea, or rice, motor cars, electricity, radios, machines and numerous other consumer goods. And if all such things are allowed in inter-regional trading, then what is the beauty of this recommendation? Does it not serve merely the purpose of creating confusion in the minds of the industrialists who want to settle down and do their best to increase production and remove the scarcity of goods from which the country is suffering?

There is another constitutional point, the importance of which should not be overlooked. The Objectives Resolution of the Constituent Assembly guarantees freedom of avocation to all nationals. But is not such a planning which forbids all large-scale enterprise to private individuals an infringement of this resolution, an infringement of that individual liberty which is the basis of democratic society? One may understand public ownership in cases where questions of national safety arise as in munitions making, manufacture of other materials, or where the work is too big for individual enterprise, but surely the state should not try to secure all profitable avenues to itself and leave individuals only the chance of working as mere wage earners. This really does not fall within the objectives of a political state. Moreover, if the state is so inclined, it may start state industries in competition with private enterprise. Such a competition will compel both sides to maintain efficiency to the benefit of the people. But an attempt to escape such competition by prohibiting all competing private enterprise will harm the general consumer and will make the state also weak. There will not be that flexibility in the industrial set-up which will permit sufficient expansion to cope with any emergency.

This is about the new undertakings. The position of the existing enterprises also appears to be very difficult. A period of 5 years is allowed to them for further existence. This period also may be curtailed by competent authority. And this period is given only so as to prepare an Economic Civil Service to take over these concerns and to decrease their rate of profits so that the compensation to be paid to them may not be much. I have not misinterpreted this point. There may be different opinions held about the fairness of such a procedure. But what is even more important is that from a year's profits only 3% is to be allowed on employed capital, and after the allocation of a sum for social services the surplus is to be divided among the employers and the workers. The employer's share is not to exceed one-third of the basic wage and even then it should not make the total return on capital more than five per cent. This provision raises many questions. Evidently the share of the workers will be distributed as bonus. At present, bonus is admissible expenditure to be deducted before calculating the net profits. Is this going to be changed now? Then is this 3% return considered sufficient to induce people to undertake the risks of investment in industries? Will they not rather feel satisfied with bank interests or by investment in Government bonds which yield about this much interest without any risks of loss? Further, are these 3% profits

also to be subjected to further income-tax, super-tax, and corporation taxes? Then, it is said that there is going to be a ceiling on incomes. Does it mean that even these three per cent dividends should not make up more than that ceiling? Is everything above that ceiling going to be appropriated by the state?

Then, it is pertinent to enquire whether such measures will not stop all private enterprise. I am afraid, they will definitely lower the standard of living of the people and will even endanger the very liberty which has been obtained after such tribulations.

I may be permitted to draw your attention to the fact that under foreign rule Indian industry has worked against heavy odds and has brought the country to the present economic level after great sacrifices and losses. Is the attainment of freedom going to bring to them extinction instead of greater facilities? It will really be a curious freedom for them and a strange way of making the country strong and powerful.

Further still, does not this scheme mean a great national loss? The conception of an income ceiling will stop all productive endeavour beyond that point. This will leave a great deal of productive capacity and resources unexploited which will mean also less benefit to the country as a whole.

Then there is another question raised, and that is of the management of the industrial concerns by joint bodies of employers and workers. Profit-sharing, settling of capital and labour disputes by some joint bodies can all be understood; but I do not quite follow the meaning of the words "increasing association of labour with management in industry". Are workers going to interfere in the management also? If so, why? Will it not make the employers' work difficult? The employers risk their capital in the concern. Is it going to be subjected to the interference of those who risk nothing and may interfere without proper experience and without much care for results because they risk nothing even if the concern fails on account of their mismanagement? They do not risk even loss of employment because the proposed schemes of social security will compensate them and maintain them in the "national minimum standard" whether they are unemployed or old or sick. But there is no such social security for the employer. If the employer does not get even 3%, but incurs a loss, the Government is not going to make it up. Is it fair that the Government should thrust managerial interference upon the employer but should not indemnify him against the loss caused by such interference? Indeed, if the Government proposes to fix the maximum of profits at 5%, then it should also undertake not only to make up any losses but also to guarantee at least the small rate of 5% on capital. The dice appear to be heavily loaded against all private initiative, and it is not a democratic form of society but a regimented society which is being aimed at.

I very much fear that in the proposed system the Government also may not get sufficient revenues because land revenue is to be replaced by an agricultural income-tax; the provisions of limited profits and income ceilings leave little to be taxed on this side, while the discouragement of trade by regional self-sufficiency will decrease other taxes.

It is now time that the Congress takes stock of the situation and decides on a definite policy which it desires to follow. The country has attained freedom from foreign yoke, and freedom to develop, after hundreds of years. Naturally, great expectations and high hopes have been raised in the people's minds. Everyone is looking forward to an improvement in his standard of living and a more comfortable life than he has been leading under the domination of foreign vested interests. This is impossible of achievement without large increase in consumers' goods. At present, the country is suffering from numerous shortages. The end of the war also has not brought any relief. Instead of any increase, the production of many important goods like cloth, paper, cement, steel has appreciably fallen. How is this situation going to be remedied if the present disturbances in industrial production continue and the minds of industrialists are unsettled preventing them from putting out their utmost resources and exertion to develop old as well as new industries?

Today the partition of the country has [led to loss of] those supplies of jute and cotton which enabled it to fare well in international trade. Her exports of shellac and tea are not sufficient to pay for her imports. India today requires, besides large quantities of food materials, immense quantities of war materials, ships and capital goods. The country cannot spare much for other consumer goods. With internal scarcity and limitations of imports a rise in the standard of living will be impossible. On the other hand, with the attainment of freedom the people will naturally compare their condition with [that of] other free people, and the great lack of food will create dissatisfaction amongst all classes of persons. The development of the industrial strength of the country is a matter in which all persons are vitally interested, and it also requires the whole-hearted cooperation of every individual and the utilisation of all the financial as well as personal resources together with the skill and ability of each one of us. And the Congress has to decide once for all the policy it is going to follow: whether it is going to permit fissiparous tendencies to thrive and uncertainty to continue in financial and industrial spheres for long, or is going to adopt a determined policy of consolidation and rapid industrial development.

The Government has to consider whether it can really take the burden of all industries, and whether such a policy will be helpful in building up the strength of the country. It cannot be gainsaid that any nationalisation of industry will mean further inflation. Since the war the currency has expanded further, and adoption of the policy adumbrated in the report will cause greater expansion. Already the Government has vast schemes of hydroelectric works, road development, promotion of education and health services which will require huge funds. A policy of nationalisation will add to all these burdens immensely and the vicious circle of inflation, rise of the price index, and increase of wages may, I fear very much, soon bring about a financial crisis. It is doubtful whether the administrative machinery also will be able to bear the weight or will break down. The Government is already administering armament factories, the railways, and the posts and telegraphs. We do not know the results of the first-mentioned, but

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ght to this letter and will also be
ess Committee. If there be any
mittee's recommendations, then
rect ideas so that I may submit
D.C.

Yours sincerely,
Padampat

68. From Horace Alexander

WORLD PACIFIST MEETING
(Santiniketan—January 1949)

1 Upper Wood Street
Calcutta-16
13 February 1948

Dear Babu Rajendra Prasad,

I wonder whether, in the course of the past year, you may have heard some references to the proposal to arrange a meeting of active peace workers from all the world with Gandhiji at the beginning of next year.

The invitations to this meeting were just about to be sent out, when Gandhiji's death occurred. The committee that has the arrangements in hand met the other

day in Calcutta, and it was our united conviction that Gandhiji would have wished us to go forward with the plans. We also felt clear that we must at this stage ask you to give us some help. Some months ago, when I discussed with Gandhiji the names of those who should sign the invitation to the friends in other lands, he advised that it would be better not to include those who were in the midst of controversial political life; and on this ground he also excluded himself. But he approved the draft letter of invitation, of which I attach a copy (Letter 1).

In view of the changed circumstances today, including the fact that you no longer hold a Ministerial office, we agreed to ask you if you would be willing to help us in the following ways: First, may we include you as one of the signatories of the original letter of invitation, which is going to be sent out now over the signatures of some fifty men and women drawn from all communities and all parts of India, some of them quite well-known people, like Dr. Zakir Husain, Rajkumari Amrit Kaur, Dr. Radhakrishnan, but most of them quite humble workers for peace and non-violence? Then, would you be willing also to sign, together with three or four more (the officers of the committee and Sri Rathindranath Tagore), the covering letter (letter 2, which is also attached)? Thirdly, would you be willing to take part in the meeting next January, acting perhaps as its chairman, in so far as a meeting of the character envisaged requires a chairman? With regard to this last request, I am glad to say that Shri Rathindranath Tagore very cordially supports this suggestion. I am writing from Santiniketan at the moment, and have been discussing with him the plans for the meeting next year.

If, as I very much hope, you feel able to agree to these requests perhaps it would be possible for us to discuss the matter further when I am next in Delhi, which will be at the beginning of March.

With best regards,

Yours sincerely,
Horace Alexander

Enclosures not included.

69. *From J.C. Gupta*

23 Circus Avenue
Calcutta
13th February 1948

Dear Rajendra Babu,

I feel it my duty to acquaint you with what members of the Bengal Legislative Assembly feel particularly after the assassination of Mahatma Gandhi. It is the feeling of the majority of the members that Congressmen should have no truck with members of any communal organisation. They feel that for some time to come Congress Governments should have only men who have in the past

followed the Congress. Unless a person, however talented he may be, becomes a Congressman, he should not be given any nomination by the Congress Assembly Party nor should be taken in the Congress Government whether Provincial or Central.

An immediate perplexity has arisen with regard to the election of a member of the Constituent Assembly in the seat vacated by a scheduled caste member. I was told by Dr. Ghosh that it was the policy of the Congress Working Committee not to encroach upon a seat allotted to the scheduled castes. It is being circulated here that a directive has been issued by you to elect Dr. Syama Prasad Mookerjee to that seat. I learn from Sri Annada Prasad Choudhury that you have not issued any such directive nor are you aware whether Sri Vallabhbhai Patel or Pandit Jawaharlal Nehru has done so.

No doubt some consider that Syama Prasad Babu should continue in the Central Government but so far as I can sense the feeling of the majority of Congress Assembly Party members in Bengal, unless Syama Prasad Babu joins the Congress and signs the Congress pledge, however desirable he may be, after Mahatmaji's demise Congressmen here feel that they would be proving false to Mahatmaji if they elected a Hindu Sabha man. In fact, the feeling is that a man belonging to the Hindu Mahasabha should be treated as a leper out of regard for the great departed. I am sending this letter per favour of Sri Surendra Mohan Ghosh for your instruction and advice by tomorrow morning when the election takes place.

With kindest regards,

Sincerely yours,
J.C. Gupta
Legislative Assembly, Bengal

70. *From Harekrushna Mahtab*

Cuttack
The 13th February 1948

My dear Rajendra Babu,

Your letter dated the 7th February 1948.

Now you are the President of the Indian National Congress and I have to represent my views most respectfully. I am really surprised that you do not know the resolutions not only of the Praja Mandals of the Orissa States but also of the All India States People's Conference. I am grieved to read your remark that the Praja Mandal movement in the States has been utilised for amalgamating the two States into Orissa. I wish the President of the Indian National Congress had not made this gross misstatement of facts! Since 1938 the Praja Mandals have been pressing for amalgamation of the States with the neighbouring Province of Orissa. You may verify this statement from Sri Balvantrai Mehta who was a

member of the Enquiry Committee set up in 1938. You may know the facts from Sri Balvantrai Mehta. The All India States People's Conference have passed a number of resolutions since 1938 expressing the opinion that smaller States should be amalgamated with the neighbouring Provinces. Particularly with regard to Orissa States, the All India States People's Conference have unequivocally passed resolutions in favour of amalgamation with the Province. How shall I believe that the President of the Indian National Congress does not know these well-known resolutions of the All India States People's Conference and those of the Orissa States about which agitation has been going on for the last 10 years and which are known to even ordinary workers of the States! There is no question of mixing up the issues regarding the States and Singhbhum. Shall I take it that you are misinformed? Your information regarding Bihar Government's attitude towards Jaipal Singh also is incorrect. What shall I say more? I am really puzzled to know that the President of the Indian National Congress is so misinformed and he acts upon wrong information without listening to the other side. There is a proverb in Oriya which says that if the fence, meant to protect crop, eats the crop itself, there is no remedy. Is it too much for me to expect that the President of the Congress should keep an open mind and should hear the other side also? From your two letters it appears you have closed your mind against Orissa and you do not think it wrong to attribute motives to those who worked for the States for the last 10 years. In these circumstances, shall I be wrong if I am inclined to think that justice and fairness is being sacrificed for other interests? I beg of you to excuse me if my letter is rather strongly worded. I would appeal to you again to verify facts from Sri Balvantrai Mehta who is a member of the Congress Working Committee and who is closely associated with the movement in the States in Orissa since 1938. I can assure you that here in this Province those of us who are in the Congress have no provincial feeling at all and on that score we have been and are being severely criticised by others. I wonder if you know Sri Sarangadhar Das who is one of the Secretaries of the All India States People's Conference. He is the President of the Regional Council for the Eastern States. You can know all about him from Sri Balvantrai Mehta. What shall I say about all these things when you betray utter ignorance of all facts regarding the States People's movements except what you gather from the headlines in newspapers? Now that the tribunal has been appointed, the question of Seraikela and Kharsawan is closed; but what remains today for me and for our Province is the attitude of the Congress President in these provincial matters.

Yours sincerely,
H.K. Mahtab
Premier, Orissa

Dr. Rajendra Prasad
President, Indian National Congress
1 Queen Victoria Road, New Delhi.

71. To Dr. Bidhan Chandra Roy

1 Queen Victoria Road
New Delhi
14th February 1948

My dear Dr. Roy,

I have received your letter dated the 10th February as also a letter from S. J. A. K. Ghose, with certain enclosures containing information about the breaking up of the old Ministry and appointment of the new Ministry. When I spoke to you complaining that I was not informed about the formation of the Ministry, what I really meant was that in a matter so important as the dismissal of one Ministry and appointment of another in its place the Working Committee represented by the President or the Parliamentary Sub-Committee should be consulted. The names of the Ministers I had read in the papers and other matters mentioned in the papers were also more or less public property and published in the Press. I was, therefore, informed of them through Press. My complaint was and still remains that the whole thing was done without reference to me or the Parliamentary Sub-Committee although there was plenty of time to keep me informed, if not to consult me. But for some reason or other that was not done. It is not as if it was not known that the President or the Parliamentary Sub-Committee should be consulted in such important matters because a very much smaller matter like the nomination of a candidate for election to the Provincial Legislative Assembly was referred to me, and my sanction obtained, when you too were a candidate. I have had several references by telegram, telephone, etc., about filling up some vacancies in the Constituent Assembly but in the matter of dismissal of a Ministry and the appointment of a new one it was not thought necessary. However, that is past. I wish you all success in the very heavy responsibility that you have undertaken.

I was not surprised that Dr. Prafulla Chandra Ghosh did not join the Ministry. I have nothing to say about the Ministers. You must have taken into consideration all the relevant matters and chosen the best persons you could think of. I am somewhat intrigued to learn that there is already a move to recall this Ministry. I should have thought the new Ministry had more support than the old one and that you had satisfied yourself on that point before you undertook the responsibility. Dissolution of the House is unthinkable at the present moment both because of the fact that whatever Ministry is formed is only for an interim period while the Constitution is being framed, and partly because of the trouble and expense of a fresh election. But to my mind the greatest objection to a fresh election will be that it will not succeed in giving you a more stable Ministry than the present Assembly. The present Assembly is practically dominated by Congress members and is a one-party Assembly. A fresh election may bring in some other parties and make it even more difficult to form a stable Ministry. I would, therefore, ask you to give up all idea of a dissolution and fresh election and do the best you can with the present Assembly.

You have now a Ministry of 12 and this should be able to gather together enough support to be able to carry on the administration.

Yours sincerely,
Rajendra Prasad

Hon'ble Dr. B.C. Roy
36 Wellington Street
Calcutta.

72. *From Harekrushna Mahtab*

Cuttack
The 14th February 1948

My dear Rajendra Babu,

In continuation of my letter of yesterday, I venture to write again today for I feel very much uncomfortable that our President should remain either so much uninformed of or prejudiced against Orissa. As regards the amalgamation of the Orissa States with the Province, I have already written to you that the agitation is at least 10 years old and from the beginning Sri Balvantrai Mehta, a member of the Congress Working Committee, is associated with this movement. Negotiations on the basis of amalgamation of the Orissa States with the Province has been going on between the Rulers and the Orissa Government for some years past. Definite proposals were made to the Cabinet Mission when they came here in 1946. Proposals were made to Lord Wavell when the Interim Government was not formed. The Chancellor of the Chamber of Princes was approached in this connection. The question of amalgamation was taken up both by the Chancellor of the Chamber of Princes and by the Orissa Government since 1946. If you kindly ask your Secretary in the Constituent Assembly, Sir B.N. Rao, he will tell you that he was approached by the Orissa Government to suggest constitutional means by which the administration of the Orissa States would be integrated with that of the Province. He was kind enough to study the matter and make some suggestions. These suggestions again were discussed by the Rulers and the Orissa Provincial Government. All along the demand of the Praja Mandals of the Orissa States has been 'amalgamation with the Province'. At each stage of the negotiation with the Government of India, I have kept Pt. Jawaharlal Nehru and Sardar Vallabhbhai Patel informed of developments. I got Gandhiji also informed of these matters. If you like I shall show you letters from Gandhiji in this connection. You will be interested to know that Gandhiji himself advocated amalgamation of the Orissa States with the Province and he had his blessings

since 1946. All these I write to you to show that amalgamation of the Orissa States with the Province is neither a manoeuvre nor a trick played by either the Praja Mandals or by the Orissa Provincial Government. You may not have the misapprehension that it is the Government of India and Sardar Patel who initiated the integration of the administration of the States with that of the Province. It is the Orissa Government which took the initiative in the matter and it is Pt. Jawaharlal's Government and Sardar Vallabhbhai Patel who accepted the Orissa Government's position. In this matter, we in Orissa have got the justification to be proud of our initiative—it may not be pleasing to others who did not raise their little finger in this matter till the question was decided upon. It is not the fault of either the Orissa Government or any of the Praja Mandals that Seraikela and Kharsawan were included in the category of Orissa States. It is neither the fault of Orissa Government nor of the Regional Council for the Eastern States that the Praja Mandals of Seraikela and Kharsawan were led by Oriya-speaking people since 1938. As soon as the amalgamation of the Orissa States with the Province showed signs of materialisation, some of the Rulers caught hold of some leaders of Praja Mandals and promised them responsible government in the States in order to avoid amalgamation. It is a fact that some leaders of the Praja Mandals played into the hands of the Rulers and could deceive a man of your position also. It is for this reason that I protested against your blessing the Praja Mandal of Mayurbhanj. Of course I did not know that you were against amalgamation of the States with the Province. You have never expressed your opinion on the subject. Now, at this stage, if you hold the view that we in Orissa have manoeuvred the amalgamation and have deceived Sardar Vallabhbhai Patel, I think you are doing injustice to us and doing a great service to the Rulers. Your letter of the 7th February will surely be liked by some of the Rulers of the Province, specially the Ruler of Seraikela. I am told you are very bitter about Seraikela and Kharsawan having been integrated with the Province of Orissa. Why is this so? Is it in the interest of the Adibasis who are in majority there? In that case, is it the demand of the Adibasis that they should integrate with the Province of Bihar? I have got the printed speeches of Jaipal Singh to show that they want a separate Province for themselves and wherever they will go they will go together, and if Orissa would agree to take in all the Adibasi areas, then they would support amalgamation with Orissa. On this basis, Mr. Jaipal Singh is carrying on negotiation with some leaders of the Utkal Sammilani here. You have raised the question of Singhbhum here. Assuming, the figures show that certain areas of Singhbhum are predominantly Oriya-speaking, leaving aside the aborigines, what right has Bihar to claim those areas as belonging to Bihar? If it is decided that the wishes of the Adibasis should be taken into account, then their movement for a separate Province should be supported and agreed to by all of us. It is really unfortunate that at this stage when communalism is running high in this country, provincialism also should be allowed to have its play. I would request you to consider these things first before you begin to attribute motives. I

am very sorry that I have been compelled to write to you these letters, but as it appears to me I have no other way.

Yours sincerely,
H.K. Mahtab
Premier, Orissa

Dr. Rajendra Prasad
President, Indian National Congress
1 Queen Victoria Road, New Delhi.

73. *To Vallabhbhai Patel*

1 Queen Victoria Road
New Delhi
14th February 1948

My dear Vallabhbhai,

The Punjab Relief Sub-Committee of the Working Committee has sanctioned Rs. 5 lakhs for the United Council for Relief and Welfare and Rs. 3,000 to be paid to Shri A.V. Thakkar, for work in Cutch. I shall be obliged if you send the amount mentioned above, viz. Rs. 5 lakhs to Lady Mountbatten for the United Council for Relief and Welfare and Rs. 3,000 to Syt. A.V. Thakkar, Harijan Sewak Sangh, Kingsway, Delhi.

Yours sincerely,
Rajendra Prasad

The Hon'ble Sardar Vallabhbhai Patel.

74. *To Dr. Gopichand Bhargava*

1 Queen Victoria Road
New Delhi
The 15th February 1948

My dear Dr. Gopichand,

Some representatives of the Friends Service Unit, Miss Ingran and Leslie Cross, saw me the other day. Miss Ingran in company with Mr. Savant of the Central Relief Committee visited Gurgaon where there is a large concentration of Meos and they have made a joint report to me about the position of the Meos there. It is said that the Meos who are left are not willing to go to Pakistan but want to return to their original homes. There is a transit camp near the railway station at Gurgaon and those who are supposed to be willing to go to Pakistan

are brought there from other centres. I understand from the report that many of those in the transit camp are not willing to go to Pakistan and they would like to go back to their homes. I am informed that the Government have decided to stop rations to the people in the camp who are not starting for Pakistan so that after those who are willing to go have left, the others will be left stranded and they are unable to go back to their homes because of the fear that they might be molested on the way where there are several non-Muslim refugee camps. It is necessary, therefore, to see to it that they are safely escorted back to their original homes. This can be arranged by the cooperation between the workers of the Friends Service Unit and the Central Relief Committee on the one hand and the Government on the other. I would suggest that those who are willing to go back to their original homes should be provided with facilities for doing so amongst which safe escort is the most essential.

The other question which also will arise in connection with these Meos is that their lands and houses have already been occupied by other refugees in some places. As regards the lands and houses of those who have gone away to Pakistan, the question does not arise at the present moment, but as regards the lands and houses of those who have not gone to Pakistan but are staying in refugee camps or with friends and relations elsewhere in India, it will be necessary to restore to them their lands and houses. I believe, the settlement of land to the people has been on temporary basis, for one crop. So it will be possible for the Government to restore the land to the original owners when they go back. Similarly with regard to the houses. I do not know what arrangement you have made but after all we cannot expect these people to remain with their friends and relations when they have their own original homes and lands. Confidence should be created so that they may feel safe in returning to their original place and when they have returned they should be given back their land and their homes so that they might restart life.

I have received conflicting reports about the number of Meos within Gurgaon district but there is a good number of those who have come from Bharatpur and Alwar States. They are also now in Gurgaon district. I do not know what is going to be done with them. The most obvious course will naturally appear to be to send them back to their original homes but that can be done only if the conditions were such as to create confidence in them. I would suggest that in taking up the question of Meos in Gurgaon you would consider the position of Alwar and Bharatpur Meos also and if necessary take it up with the Government of India which has now taken over the administration of these States. I shall be obliged if you would let me know what you propose to do in this matter.

The Central Relief Committee and the Friends Service Unit are going to have some relief work done amongst them and the work will divide itself into three parts: educational, helping the Meos to purchase their requirements and sell their products to people outside their own villages, and, lastly, medical relief. Their difficulty with regard to the second item is that they feel insecure in going out of their present locality to purchase or sell their produce. They suggest that the relief

organisations should have some sort of cooperative buying and selling for them. In these matters the relief organisations should get cooperation and support from Government agencies.

Yours sincerely,
Rajendra Prasad

Dr. Gopichand Bhargava
Prime Minister, East Punjab
Jullundur.

Copy to:

The Prime Minister of India.

Mr. Savant of the Central Relief Committee.

75. *To Jawaharlal Nehru*

1 Queen Victoria Road
New Delhi
The 15th February 1948

My dear Prime Minister,

The other day a deputation from Karnatak met the Working Committee asking for the creation of a separate Province of Karnatak. You were present and advised them that if an agreed solution was produced it would facilitate matters. Since then I have received a similar deputation from Malabar who also want to have a separate Province of Kerala. The deputation was led by the President of the Provincial Congress Committee, Mr. Kalappa. I have received a third deputation from Andhra. They say that they have boundary dispute with Orissa and therefore it would not be possible to have anything like an agreed solution because of the dispute. In all these disputes Congressmen are divided linguistically and it seems that there is a strong feeling all over in favour of creation of these separate linguistic Provinces. I have not received any deputation from Maharashtra as yet but I have no doubt that there also a movement is being organised. They all want that all these Provinces should be ushered into existence along with the new Constitution and that provision should be made in the new Constitution itself whereby their creation may be assured.

As you know, the Congress has long accepted the principle of linguistic Provinces and in the Congress constitution itself Provinces have been created on that basis. The creation of linguistic Provinces for administrative purposes can be done only by the Government and it is therefore necessary that the whole question should be considered by the Government in a comprehensive way. The Constituent Assembly could only indicate the Provinces which are in existence or which may be created. It cannot by itself lay down the boundaries of the new

Provinces. For that administrative action will have to be taken by the Government. I would therefore like that the matter may be considered by the Government and a decision taken. It will not be possible to put off a decision now that the work of the Constituent Assembly is approaching its final stage. I therefore request you to take this matter up in the Government and come to some decision. If it is decided that such Provinces should be created then steps will have to be taken to demarcate the boundaries by the appointment of boundary commissions or otherwise. If on the other hand the decision is that the Government cannot undertake the question of new Provinces at the present moment then that should be made known so that people may know at any rate for the present moment that nothing is going to be done. Personally I doubt, however, that the matter could be dealt with in this way. The feeling in some of the Provinces is very strong and it would create very many difficulties if a negative answer is given to the demand for the creation of new Provinces. The question of boundary is not the only question which will have to be considered. There will be other questions also like financial and economic stability of the new Provinces etc. The important thing however is for the Government to take its decision and I would suggest that this should be done soon so that if the decision is in favour of new Provinces steps may be taken to work out the details. This is sure to take a little time. If the thing is so timed as to enable the report of any Commission which may be appointed to be ready by the time the new Constitution is adopted, it would cause, I believe, general satisfaction amongst the population concerned.

Yours sincerely,
Rajendra Prasad

The Hon'ble Pandit Jawaharlal Nehru
Prime Minister of India
17 York Road, New Delhi.

76. To Dr. Bidhan Chandra Roy and Surendra Mohan Ghosh

1 Queen Victoria Road
New Delhi
16th February 1948

(1) DR BIDHANCHANDRA ROY
PREMIER

(2) SURENDRAMOHAN GHOSH
115-E DHARMATALLA ST
CALCUTTA

NO RESIGNATION FROM ANY CONSTITUENT ASSEMBLY MEMBER RECEIVED AS
YET STOP RESIGNATION SHOULD BE IMMEDIATELY SENT SO THAT A HARIJAN

MAY BE ELECTED IN THE VACANCY STOP I AGREED TO HARIJAN SEAT BEING GIVEN ON THAT EXPRESS CONDITION AND IT SHOULD BE FULFILLED WITHOUT DELAY

RAJENDRA PRASAD

77. *From Jawaharlal Nehru*

New Delhi

16th February 1948

My dear Rajendra Babu,

Thank you for your letter of the 15th February.

This question of forming linguistic Provinces bristles with difficulties. I am quite sure that once we start in any one place there will be uproar in some other areas making the same demand. In fact, it is not possible to tackle it in one place only. While we have accepted this principle and must therefore give effect to it, it does seem to me that the present moment is most inopportune for this purpose. I discussed this matter with General Nye, Governor of Madras, who is a very sensible person, and he warned me of the disastrous consequences of any precipitate action.

It seems to me that the only action we can take is to appoint a Committee on behalf of the Constituent Assembly to investigate this problem and to report. We must have full data before any decision can be made. It is not merely a question of principle but also, as you say, of many other vitally important matters, including boundaries.

It appears to me that if we give precedence to Andhra, Karnatak, Kerala and Maharashtra, and more especially Karnatak, it will raise a tremendous outcry. They are quite willing that the matter might be postponed for a little while provided no one Province is favoured in this respect. Andhra is very anxious to get itself mentioned in the new Constitution as a separate Province. Perhaps some way might be found without going into details of mentioning in the new Constitution this linguistic redistribution subject to reports of Commissions or Committees.

The real difficulty comes in because of conflict over boundaries. Where there is such a conflict the most careful investigation will have to take place. I do not think the Government as such should take up this matter now. It is for the Constituent Assembly to appoint its own Commission.

Yours sincerely,
Jawaharlal Nehru

The Hon'ble Dr. Rajendra Prasad.

78. *From Jawaharlal Nehru*

New Delhi
16th February 1948

My dear Rajendra Babu,

I have received a letter from Padmaja Naidu which I enclose. You will learn from this that some residents of Hyderabad (Deccan) who came to Allahabad on February 12th have promised to give certain donations and want further instructions in regard to these as well as in regard to further collections for the Gandhi National Memorial Fund. I shall be grateful if you could kindly have these instructions sent directly to Padmaja Naidu, Government House, Lucknow.

I enclose two telegrams.

Yours sincerely,
Jawaharlal Nehru

The Hon'ble Dr. Rajendra Prasad
Room No. 28, Council House.

Enclosures not included.

79. *From Jawaharlal Nehru*

New Delhi
16th February 1948

My dear Rajendra Babu,

I am receiving a number of cheques for the Gandhi National Memorial Fund. I have asked my office to forward all these to you and I hope that proper receipts will be issued by your office. Apart from cheques, I received Rs.500 from Hafiz Fayaz Ahmed of Panipat for this fund. This money came to me through Dr. Zakir Husain, who writes that Hafiz Fayaz Ahmed is one of his senior colleagues and the shock of Bapu's death has all but broken him. Could you kindly send the receipt to Dr. Zakir Husain?

I might add that in any large committee that might be formed for the Memorial Fund Dr. Zakir Husain should certainly have a place.

I wrote to you about Neogy today. I find that he joined Government on the 6th of September. Therefore he should be elected to the C.A. at the latest before that date.

Yours,
Jawaharlal Nehru

Dr. Rajendra Prasad
1 Queen Victoria Road, New Delhi.

80. To Jawaharlal Nehru

1 Queen Victoria Road
New Delhi
The 16th February 1948

My dear Jawaharlalji,

Your letter dated the 16th February 1948 has just reached me. I have taken steps to see that Mr. Neogy gets elected to the Constituent Assembly soon and you need not worry about it. What I have done is this. The Constituent Assembly has given two extra seats to West Bengal one of which will be a general seat and the other a Muslim seat. I have reserved this general seat for Mr. Neogy. A notification will be published in the next issue of the Gazette calling upon the Bengal Assembly to elect two additional members to the Constituent Assembly and as soon as this is done the election will be arranged and I expect this will be done by the end of this month. The Constituent Assembly office has sent the notification for publication and I am expecting it will be published this week. So Neogy is to be elected not in the place of any scheduled caste person but in a new seat which has been given to Bengal. As a matter of fact, Dr. Syama Prasad Mookerjee has been elected in the vacancy caused by the resignation of a scheduled caste member. I wired to Dr. Bidhan Chandra Roy that one of his ministers who is also a member of the Constituent Assembly should immediately send in his resignation and I suggested that should be done simultaneously with the election of Dr. Syama Prasad Mookerjee. I have not yet received the resignation but I expect it is on the way. I am however sending a telegram today asking Dr. Roy to expedite the resignation if it has not already been despatched. This vacancy will be filled by a scheduled caste member so that scheduled caste people will have no grievance for having been deprived of one seat as they will get another seat during the next few days. As soon as the resignation is received it will be accepted and the vacancy declared and steps taken to fill it.

Yours sincerely,
Rajendra Prasad

The Hon'ble Pandit Jawaharlal Nehru
Prime Minister of India
17 York Road, New Delhi.

81. To Jawaharlal Nehru

1 Queen Victoria Road
New Delhi
The 16th February 1948

My dear Jawaharlalji,

Many thanks for your letter regarding the creation of new linguistic Provinces

to which I have drawn your attention. All that I am anxious about is that some decision should be taken. I fully realise that there will be a great deal of bitter controversy created as soon as the question of demarcation of boundary arises and it is not at all desirable that we should have this kind of controversy at the present moment. At the same time I do not know how you can avoid the question when there is such strong feeling for all these years. It will be clearly wrong to give preference to one Province. Andhra people think that they are going to have their separate Province but the fixation of their boundary will be a most difficult thing. They have dispute with Tamil Nadu, particularly with regard to the city of Madras itself. If a separate Province is to be created this question will have to be considered. It cannot be evaded or postponed. Then they have dispute with Orissa. They are not satisfied with the boundary between Orissa and Madras Presidency, as it exists at present. They say that a good part of Andhra has been included in Orissa, particularly in the districts of Koraput and Ganjam. They all complain that the Orissa Government has abolished all the Telugu schools, has abolished the Telugu language from the courts in those areas, and they are at present trying to completely Utkalise that area. They have also some dispute with Karnatak but probably that will not be so very serious because there is already the award of Mr. Kelkar which was given in 1920 or 1921 and it is possible that both parties will accept that. So what I want is that either the Government should take some decision about the creation of these Provinces or ask the Constituent Assembly to take any action which it considers necessary or feasible in this connection. If the Constituent Assembly has to appoint a Boundary Commission it can be done and after the Boundary Commission makes its report the Provinces may be created according to the boundary indicated by the Boundary Commission. But that can be done only if a decision is taken that linguistic Provinces should be created and the Constitution should make a provision for the creation of such new Provinces leaving it either to the Boundary Commission or to the Government to demarcate the boundaries. That decision in favour of creation of these Provinces should necessarily be preceded by a consideration of other elements like financial position etc. This perhaps will not be possible for the Constituent Assembly to undertake. But if the Government thinks that that aspect should also be considered by a Committee of the Constituent Assembly then the Constituent Assembly might appoint a Committee to consider that aspect and report about the feasibility of the new Provinces and then a Boundary Commission may be appointed to actually demarcate the boundaries. I would therefore suggest that the Government might consider the whole question in a comprehensive way and take decision as indicated above and ask the Constituent Assembly to take the matter up. If the decision is in favour of doing nothing at present then of course the matter may be allowed to rest there although that will not prevent any member from raising the question in the Constituent Assembly and bringing it to a point when the Constituent Assembly will have to take a decision one way or the other. If in the midst of all the multifarious problems with

some extent this Committee would have to consider boundaries generally. It should be their function to get as large a measure of agreement as possible. If this is done the next step will be the appointment of one or more specific Boundary Commissions actually to demarcate the boundaries.

For the Government to take this step now would probably involve us in greater difficulties. The statement I made sometime ago was some indication of Government's policy and matters might be allowed to rest there. I then said that the Constituent Assembly would deal with the question. I think this would be the best course. Any attempt for Government to move in the matter officially would precipitate a minor crisis.

Yours sincerely,
Jawaharlal Nehru

The Hon'ble Dr. Rajendra Prasad
1 Queen Victoria Road, New Delhi.

85. *From Jawaharlal Nehru*

New Delhi
17th February 1948

My dear Rajendra Babu,

Thank you for your letter of the 16th about Neogy's election to the Constituent Assembly. I am glad you are fixing this up.

Yours sincerely,
Jawaharlal Nehru

The Hon'ble Dr. Rajendra Prasad
1 Queen Victoria Road, New Delhi.

86. *From Kalipada Mookerji*

18th February 1948

My dear Rajendra Prasad,

I have informed Calcutta about our talk with you. I have told them that in your view the procedure regarding accepting members from East Bengal districts into the West Bengal Congress Committee would be that any delegate returned from East Bengal constituency who had actually left East Bengal, disposed of his property, and migrated to West Bengal as a permanent inhabitant of this Province would be regarded as a delegate who would be entitled to be a member of the new B.P.C.C. on his giving a declaration to that effect. As I explained to you, the total number of such persons who have actually migrated before the 30th of April and have declared their intention of staying in West Bengal permanently

would be very few. I have informed Calcutta that in your view all such cases should be reviewed by me as Secretary of the B.P.C.C. in consultation with the President of the B.P.C.C. In case of there being any difference of opinion between us with regard to a particular person, the matter may be referred to you. Those cases in which we agree but the delegate concerned feels aggrieved, he would be entitled to appeal to you for your decision.

I hope I have given them the correct direction that you gave me. I have shown this letter to Dr. Roy and Sreejut Bepin Behari Ganguli who were also present at the time of our talk and they tell me that the above statement gives the correct position regarding our talks.

Yours sincerely,
Kalipada Mookerji
Minister, Department of Labour
Govt. of West Bengal

Dr. Rajendra Prasad
1 Queen Victoria Road, New Delhi.

87. *To Harekrushna Mahtab*

1 Queen Victoria Road
New Delhi
The 18th February 1948

My dear Mahtab,

I have received your letter dated the 14th February 1948. I am afraid you are under complete misapprehension about my attitude. You seem to think that I am against amalgamation of States with the Provinces. That is not so. The difference between you and me is not on the question of amalgamation of States with the Provinces but as to the question which State should be amalgamated with which Province and all that I have said is that these two States should not have been amalgamated with Orissa but with Bihar. I have nothing to do with Mr. Jaipal Singh's movement for a separate Jharkhand Province.

Yours sincerely,
Rajendra Prasad

The Hon'ble Shri Harekrushna Mahtab
Prime Minister of Orissa
Cuttack.

nothing personal in the demand and consequently if Seth Sudershan's report of the conversation which you, Choudhri Krishen Gopal, and one more gentleman who had met Babu Rajendra Prasadji on the 8th or 9th instant is correct it was puerile to suggest to the Congress President that the demand was a machination to secure me a place in the Cabinet. It is preposterous to stigmatise the just demand of the meeting of West Punjab M.L.A.s as 'machination'. How I wish you had repudiated the insinuation when it was made in your presence. (2) The meeting of the Party if held on the 16th instant would have afforded you an opportunity to consult the Party as to who should be nominated to fill up the two additional general seats in the Constituent Assembly, nomination papers for which have to be submitted on the 25th instant. I know for a fact that this question has not been discussed in the Executive Committee of the Party and yet you have perhaps already made your choice. In this connection I want to apprise you of the view of some of us who went to Jullundur for the meeting so as to enable you to include the following names in the list of your recommendations:

1. Shri Chabbil Dass, B.A., ex-Principal, National College, Lahore.
2. Shri Nand Lal of Jaranwala.
3. Shri Mukand Lal Puri, Bar-at-Law, of Lahore.

Nos. 1 and 2 are well-known Congressmen with a proud record of Congress work extending over several years. They have suffered and sacrificed for the national cause like the best of us.

If a non-Congressman from West Punjab is to be selected, Shri Mukand Lal Puri's selection will be very suitable. He is an M.A. of the Punjab and Oxford Universities, and a most successful Advocate, having been the President of the Lahore High Court Bar Association. He was a member of the Punjab Legislature and that of the Punjab University for well over a quarter of a century. He was very intimately connected with leading educational and other social institutions in the Punjab. Was the President of the D.A.V. College Managing Committee for four years. His best recommendation in my eyes is that at the last general elections he had withdrawn from the University seat in favour of the Congress and as you can say from personal knowledge he and his men under his direct influence had worked day and night to win us the University seat. You yourself freely and openly acknowledged his services in this connection. The following extract from Sardar Patel's letter dated 9th February 1946 will lend further support to my view:

It was very good of R.B. Mukand Lal Puri to be so very helpful in spite of his differences with Dr. Gopichand. That is the real spirit which is needed in the Punjab.

His one disqualification may be that he is my father-in-law, but that is for you to judge.

From the foregoing it is clear that the meeting should not have been postponed. In fact in view of the critical times through which we are passing the meetings of the Party should be held very frequently.

I should also like to tell you that the general view of the members I came across is that the Budget session of the Assembly should be held at Jullundur and not at an out-of-the-way place like Simla when times demand our presence just in the midst of the people. Accommodation at Jullundur is no problem. Tents can be pitched for members and the meeting can be held in a hall. If necessary, we can dispense with chairs and tables as is done in the meetings of the A.I.C.C. Kindly give this matter your early and earnest consideration. Party inconveniences should be subordinated to higher provincial considerations.

Yours sincerely,
Bhimsen Sachar

Hon'ble Dr. Gopichand Bhargava
Premier, East Punjab
Jullundur.

90. *From Mahant Kundha Singh*

Kotbhai
18 February 1948

DR RAJENDRA PRASAD
NEW DELHI

THE CONGRESS GAVE A SOLEMN UNDERTAKING TO SIKHS IN 1929 THAT NO COMMUNAL SETTLEMENT AFFECTING SIKHS WOULD BE ENFORCED THAT DOES NOT COMMAND THEIR CONSENT STOP THE EXISTING WEIGHTAGE ENJOYED BY SIKHS MUST BE MAINTAINED FOR THEM IN EAST PUNJAB AND CENTRAL LEGISLATURES

MAHANT KUNDHASINGH
KOTBHAI

91. *From the Secretary, Khalsa Dewan, Bhatinda*

Bhatinda
18 February 1948

HONBLE DR RAJENDRA PD
PRESIDENT CONSTITUENT ASSEMBLY
NEW DELHI

REFERENCE IMPENDING SETTLEMENT OF THE SIKH PROBLEM SPECIAL

REPRESENTATION MUST BE GIVEN TO THE SIKHS NO INFERIOR STATUS WILL BE ACCEPTABLE TO THE SIKHS IN THE EASTERN PUNJAB

SECRETARY KHALSA DEWAN

92. *From the President, City Akali Jatha, Patiala*

Patiala
18 February 1948

HONBLE DOCTOR RAJENDRA PRASAD
PRESIDENT CONSTITUENT ASSEMBLY
NEW DELHI

REFERENCE IMPENDING SETTLEMENT OF SIKH PROBLEM SPECIAL REPRESENTATION MUST BE GIVEN TO THE SIKHS NO INFERIOR STATUS WILL BE ACCEPTABLE TO THE SIKHS IN THE EAST PUNJAB LEGISLATURE

PRESIDENT CITY AKALI JATHA

93. *From Hazara Singh Jathedar*

Muktsar
18 February 1948

DR RAJENDRA PRASAD
NEW DELHI

ANY SETTLEMENT OF COMMUNAL PROBLEM MUST BE IN CONSONANCE WITH THE WISHES OF THE SIKHS CONGRESS MUST HONOUR ITS PLEDGE TO THE SIKHS IN 1929 SPECIAL POSITION MUST BE SECURED TO SIKHS IN EAST PUNJAB THE FRONTIER PROVINCE AND CENTRAL LEGISLATURES

HAZARASINGH JATHEDAR

94. *From the Secretary, Sikh Sangat, Ferozpur*

Ferozpur
18 February 1948

DR RAJENDRA PRASAD
CONSTITUENT ASSEMBLY
NEW DELHI

AT THE TIME OF CONSTITUTIONAL SETTLEMENT SIKHS UNANIMOUS CONSENT

MUST BE OBTAINED STOP EXISTING WEIGHTAGE ENJOYED BY SIKHS MUST BE MAINTAINED IN EAST PUNJAB AND CENTRAL LEGISLATURES

SECY SIKH SANGAT

95. *From Pala Singh Jathedar*

Village Bhullar (Ferozpur)

19 February 1948

PANDIT JAWAHARLAL NEHRU PREMIER NEW DELHI
SARDAR PATEL CHAIRMAN MINORITIES ADVISORY COMMITTEE NEW DELHI
SARDAR BALDEVSINGH DEFENCE MINISTER NEW DELHI
DR RAJENDRA PRASAD PRESIDENT CONSTITUENT ASSEMBLY NEW DELHI

THE CONGRESS GAVE A SOLEMN UNDERTAKING TO SIKHS IN 1929 THAT NO COMMUNAL SETTLEMENT AFFECTING SIKHS WOULD BE ENFORCED THAT DOES NOT COMMAND THEIR CONSENT STOP THE EXISTING WEIGHTAGE ENJOYED BY SIKHS MUST BE MAINTAINED FOR THEM IN EAST PUNJAB AND CENTRAL LEGISLATURES

PALASINGH JATHEDAR

96. *From the Secretary, Akali Jatha, Jullundur*

Jullundur

19 February 1948

HONBLE DR RAJENDRAPRASAD
NEW DELHI

HEARD RUMOURS CONSTITUTIONAL SETTLEMENT NO SOLUTION WOULD BE ACCEPTABLE TO SIKHS WHICH DOES NOT SECURE THEIR WILLING CONSENT STOP EXISTING WEIGHTAGE MUST BE MAINTAINED SIKHS WOULD NOT ACCEPT ANY MINORITY POSITION IN EAST PUNJAB LEGISLATURE STOP THE CONGRESS SHOULD HONOUR ITS PLEDGE GIVEN TO SIKHS IN 1929

SECY AKALI JATHA
JULLUNDUR

97. *From Mastan Singh*

Fazilka

19 February 1948

BABU RAJENDRA PD
NEW DELHI

SINGHSABHA FAZILKA FEROZPUR DISTRICT DEMANDS FULFILLING PROMISE

OF CONGRESS TO SIKHS IN REGARD TO WEIGHTAGE AND PASSAGE OF LAWS AFFECTING SIKHS WITH THEIR APPROVAL TO MAINTAIN SEPARATE SIKH ENTITY IN THE NEW CONSTITUTION

MASTAN SINGH

98. *From Mahant Sucha Singh*

Kotbhai

19 February 1948

PRESIDENT CONSTITUENT ASSEMBLY
NEW DELHI

CONGRESS PLEDGE 1929 TOWARDS SIKHS KINDLY BE ADHERED FIFTY PERCENT.
BE GRANTED TO SIKHS IN EAST PUNJAB STATUS QUO MAINTAINED IN CENTRE

MAHANT SUCHA SINGH
MEMBER SHROMANI COMMITTEE KOTBHAI

99. *From Dr. M.A. Rauf*

Rangoon

19 February 1948

My dear Rajendra Babu,

I send herewith a bank draft for Rs.65,639* being the amount which was donated by the Indian community here during your visit. There has been some slight delay in arranging the remittance to you as the money promised by the local Gujarati community was collected only a few days ago.

Yours sincerely,
M.A. Rauf

Hon. Dr. Rajendra Prasad, M.A., M.L., LL.D.
Constituent Assembly
New Delhi.

*Draft No. 11623 of the Central Bank of India Ltd., Rangoon, dated 14.2.1948 for Rs. 65,639 on the Central Bank of India, New Delhi.

100. *From Ram Singh Jathedar*

Kotbhai

19th February 1948

BABU RAJENDRA PRASAD
PRESIDENT CONSTITUENT ASSEMBLY
NEW DELHI

CONGRESS PLEDGE 1929 TOWARDS SIKHS KINDLY BE ADHERED TO FIFTY PERCENT BE GRANTED TO SIKHS IN EAST PUNJAB STATUS QUO MAINTAINED IN CENTRE

RAMSINGH JATHEDAR
AKALI JATHA THANA
KOTBHAIR FEROZPUR

101. *From the Secretary, Gurdwara Gardhiwala*

Gardhiwala

19th February 1948

DR RAJENDRA PRASAD
CONGRESS PRESIDENT
NEW DELHI

REFERENCE IMPENDING SETTLEMENT SIKH PROBLEM SPECIAL REPRESENTATION MUST BE GIVEN TO SIKHS NO INFERIOR STATUS ACCEPTABLE TO SIKHS IN EAST PUNJAB LEGISLATURE

SECY GURDWARA GARDHIWALA

102. *From Jawaharlal Nehru**

New Delhi

19th February 1948

My dear Rajendra Babu,

I enclose a telegram I have received from Suhrawardy.

Yours sincerely,
Jawaharlal Nehru

Dr. Rajendra Prasad
1 Queen Victoria Road, New Delhi.

*Dr. Rajendra Prasad wrote in the margin of this letter: "We should not contest the by-election. A Press statement should be issued on my behalf."

Enclosure:

(A telegram from H.S. Suhrawardy)

Calcutta
17th February 1948

PANDIT JAWAHARLAL NEHRU
PRIME MINISTER
NEW DELHI

EARNESTLY REQUEST YOU NOT GIVE NOMINATION ON BEHALF OF CONGRESS TO ANYONE FOR SEAT TO BENGAL LEGISLATIVE ASSEMBLY FROM SOUTH CALCUTTA STOP MUSLIM LEAGUE HAS NOT GIVEN NOMINATION STOP IF MUSLIMS VOTE FOR CONGRESS CANDIDATE IMPOSED ON THEM IT WILL NOT BE FROM DESIRE BUT CONCERN FOR FEAR OF CONGRESS AND RETALIATORY ACTION OR THEY DO NOT VOTE FOR CONGRESS STOP ALSO IT WILL BRING HINDU CONGRESS VOLUNTEERS IN CLASH WITH MUSLIMS AND MUSLIM WISHES AND AGAIN EMBITTER FEELINGS HERE STOP PLEASE DO NOT DO ANYTHING THAT WILL MAKE MUSLIMS FEAR CONGRESS AM ENDEAVOURING TO SWING MUSLIMS TOWARDS CONGRESS STOP CONGRESS NOMINATION WILL GIVE SETBACK STOP EARNESTLY REQUEST YOU NOT TO PRESS PROVINCIAL CONGRESS COMMITTEE THAT HAS ALREADY DECIDED NOT TO NOMINATE FOR CONGRESS

SUHRAWARDY

103. *From Jawaharlal Nehru*

New Delhi
19th February 1948

My dear Rajendra Babu,

Will you please refer to your D.O. No. 63/48 PCA, dated the 6th February 1948, in which you ask for an assurance from Government that the Constituent Assembly staff should be converted into the Secretariat of the Upper House under the new Constitution? I understand that the question refers only to such staff as will have to be kept after the Constitution is passed by the Assembly for the various ancillary purposes referred to by you. I do not think it should be difficult to absorb this staff in Government service when their work is completed. It is a good idea that they should form a nucleus of the Secretariat of the Upper House; it is also possible that some of them might be required in the Ministry of Law.

I hope this general indication will be found satisfactory. You will naturally not expect me to give any more specific assurance than this, more particularly as

the question of selecting individuals will depend on their qualifications and record.

Yours sincerely,
Jawaharlal Nehru

Dr. Rajendra Prasad
President, Constituent Assembly of India
1 Queen Victoria Road, New Delhi.

104. *To Vallabhbhai Patel*

New Delhi
20 February 1948

My dear Vallabhbhai,

A question has arisen in the West Bengal Legislative Assembly where a by-election is going to take place for a Muslim seat. The Executive of the Bengal Provincial Congress Committee decided on 7 February 1948 that the Congress should not set up any candidate to contest the seat. As a matter of fact, there is one Congressman, namely Mr. Mohammad Jan, who has filed his nomination paper. It has been suggested that the Congress should adopt him as its candidate and the election should be contested. Mr. Mohammad Jan's nomination was filed before the Bengal Provincial Executive Committee's decision on 7 February. It was suggested that the decision of the Bengal Provincial Executive Committee should be revised and the Congress should contest the by-election. Maulana Abul Kalam Azad was of opinion that this should be treated as a test case and the Congress should fight it out. The matter was reconsidered by the Executive of the B.P.C.C. on 17 February and the effective part of the resolution on that day runs as follows:

This meeting of the Executive Council of the B.P.C.C. reviewed the situation in the light of the above and authorises the President, Shri Surendra Mohan Ghosh, to make the final decision and recommend any name which he thinks fit to the Central Parliamentary Board.

Shri Surendra Mohan Ghosh has not made any definite recommendation and has referred the matter to the Central Parliamentary Board for final disposal. In the meantime a number of telegrams have been received by me saying that the Congress should not contest this by-election. Amongst the persons sending the telegrams are Shri Mukleshwar Rehman, Maulana Ahmad Ali, editor of the *Navayug*, the only Nationalist Muslim Bengali daily, and Habibur Rahman, Vice-President of the Bengal Provincial Congress Committee. All the three gentlemen are nationalist Muslims. Another telegram has been received from Shri

Rafiquddin, President, Park Circus Peace Committee. He is an important member of the constituency where the by-election has to take place. The point mentioned by most of these telegrams is that it would lead to communal bitterness and also that the chances of success of the Congress candidate are meagre. The voting is to take place on 1 March 1948 and we have only about eight days left. I had a talk with Maulana Abul Kalam Azad last night. He thinks that we must contest the election. I had a talk with Dr. P.C. Ghosh and Shri Surendra Mohan Ghosh also. They are of opinion that the chances are meagre specially because Mr. Jan is a non-Bengali Muslim and the voters are mostly Bengali Muslims and because there is so little time for propaganda.

I shall be obliged if you kindly let me have your opinion on the point whether we should set up the candidate or not. Kindly treat this matter as immediate.

Yours sincerely,
Rajendra Prasad

P.S. After the above was typed a telegram was received by Pandit Jawaharlal Nehru from Mr. Suhrawardy in which he most earnestly pleads not to set up a Congress candidate as it is likely to cause a clash between Hindu and Muslim volunteers and otherwise worsen the situation.

Rajendra Prasad

Sardar Vallabhbhai Patel
Central Parliamentary Board
New Delhi.

105. *From Govind Ballabh Pant*

Lucknow
20 February 1948

DR RAJENDRA PRASAD
NEW DELHI

GREATLY REGRET UNAVOIDABLE ABSENCE KINDLY EXCUSE

GOVIND BALLABH PANT

106. *To Shankarrao Deo*

1 Queen Victoria Road
New Delhi
The 20th February 1948

My dear Shankarrao,

A question has arisen in the West Bengal Legislative Assembly where a by-

election is going to take place for a Muslim seat. The Executive of the Bengal Provincial Congress Committee decided on the 7th of February 1948 that the Congress should not set up any candidate to contest the seat. As a matter of fact, there is one Congressman, namely Mr. Md. Jan, who has filed his nomination paper. It has been suggested that the Congress should adopt him as its candidate and the election should be contested. Mr. Muhammad Jan's nomination was filed before the Bengal Provincial Executive Committee's decision on the 7th February. It was suggested that the decision of the Bengal Provincial Executive Committee should be revised and the Congress should contest the by-election. Maulana Abul Kalam Azad was of opinion that this should be treated as a test case and the Congress should fight it out. The matter was reconsidered by the Executive of the B.P.C.C. on the 17th February and the effective part of the resolution on that day runs as follows:

This meeting of the Executive Council of the B.P.C.C. reviewed the situation in the light of the above and authorises the President, Shri Surendra Mohan Ghosh, to make the final decision and recommend any name which he thinks fit to the Central Parliamentary Board.

Shri Surendra Mohan Ghosh has not made any definite recommendation and has referred the matter to the Central Parliamentary Board for final disposal. In the meantime a number of telegrams have been received by me saying that the Congress should not contest this by-election. Amongst the persons sending the telegrams are Shri Mukleshwar Rehman, Maulana Ahmad Ali, editor of the *Navayug*, the only nationalist Muslim Bengali daily, and Habibur Rahman, Vice-President of the Bengal Provincial Congress Committee. All the three gentlemen are nationalist Muslims. Another telegram has been received from Shri Rafiquddin, President, Park Circus Congress Committee. He is an important member of the constituency where the by-election has to take place. The point mentioned by most of these telegrams is that it would lead to communal bitterness and also that the chances of success of the Congress candidate are meagre. The voting is to take place on the 1st of March 1948 and we have only about 8 days left. I had a talk with Maulana Abul Kalam Azad last night. He thinks that we must contest the election. I had a talk with Dr. P.C. Ghosh and Shri Surendra Mohan Ghosh also. They are of opinion that the chances are meagre specially because Mr. Md. Jan is a non-Bengali Muslim and the voters are mostly Bengali Muslims and because there is so little time for propaganda.

I shall be obliged if you kindly let me have your opinion on the point whether we should set up the candidate or not. Kindly treat this matter as *immediate*.

Yours sincerely,
Rajendra Prasad

Shri Shankarrao Deo
Central Parliamentary Board
New Delhi.

107. *From Harekrushna Mahtab*

Cuttack
The 20th February 1948

My dear Rajendra Babu,

I am sorry I could not attend the session of the All India Congress Committee on account of very heavy pressure of work. I thought I would go to Delhi and discuss personally all matters relating to the Orissa States. Since that has not been possible, I venture to forward herewith the resolutions of the All India States People's Conference regarding the solution of the problem of the Orissa States. You will please see from these resolutions that the question of amalgamation of the Orissa States with the Province is at least 10 years old and both the All India States People's Conference and the Orissa Government have been agitating for it for the last 10 years. I am collecting the opinions of Mahatma Gandhi on this expressed from time to time in support of amalgamation of the Orissa States with the Province from the old files of the *Harijan*. As soon as I get them ready, I shall send them to you for your information. I would beseech you to banish from your mind once for all that there has been any underhand dealing in the amalgamation of the Orissa States with the Province.

Yours sincerely,
H.K. Mahtab
Premier, Orissa

P.S. I enclose herewith an extract of opinions expressed by Mahatma Gandhi in the *Harijan* of the 17th September 1938 and the 29th July 1939.

Dr. Rajendra Prasad
President, All India Congress Committee
1 Queen Victoria Road, New Delhi.

Enclosures not included.

108. *From Dr. Radhakumud Mookerji*

39 Ekdalia Road
Calcutta
20th February 1948

My dear Rajendra,

Since you sent me to Washington, I have been keeping very fit, both physically and mentally, and so am feeling like asking you for some further opportunities

for public work on problems, economic or constitutional, in which I have specialised, or even land problems on which I worked as a Member of the Land Revenue (Flond) Commission.

I have a very sad tale to relate to you as a friend. Gandhiji was pleased to fix my interview with him at 3 p.m. on that fateful day, 30th January. I saw him aglow with renewed health and radiant with spirituality beaming through his body. He honoured me by taking from me my latest work (just published in London) on *Ancient Indian Education*, and, as I explained some of its special points and pictures, he became more and more interested in its contents and, finding its price high (42 shillings), he said: "Leave the book to me: I shall myself *write on it* and leave that Note you have prepared on its special points for my easy reference." He also said with some feeling: "I know you will go on writing like this up to the last moment of your life." Little did I know that his own last moment was approaching!

Trusting you are quite well and always at your service,

Yours affectionately,
Radhakumud Mookerji

109. *From Harekrushna Mahtab*

Cuttack
The 20th February 1948

My dear Rajendra Babu,

After despatching a letter today I received your letter dated the 16th February. I think it would not be possible on my part to persuade you to say that so far as Orissa States are concerned, matters have gone on without any manoeuvre on any side. Probably the manoeuvre was made when Seraikela and Kharsawan were included in the category of Orissa States in 1917. None of our generation knows anything about it and we were all students at that time in the matriculation class. It is clear from all your letters that there has been no attempt on our part to deceive the Government of India and trick them into amalgamating Seraikela and Kharsawan with Orissa. All your letters, I must frankly confess to you, have given me a rude shock and I wonder where we in the Provinces stand if the leaders at the top do not keep their minds open. I may be excused for my apprehensions.

Yours sincerely,
H.K. Mahtab
Premier, Orissa

Dr. Rajendra Prasad.

110. *From Vallabhbhai Patel*

New Delhi

20th February 1948

My dear Rajenbabu,

Thank you for your letter dated the 20th February 1948 regarding by-election in Bengal. I am quite definite that we should not get mixed up in this matter. I see no particular advantage to be gained; in fact a great deal of harm may result. We should steer clear of this matter altogether.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Dr. Rajendra Pd.

1 Queen Victoria Road, New Delhi.

111. *To Dr. Gopichand Bhargava*

1 Queen Victoria Road

New Delhi

21st February 1948

My dear Dr. Gopichand,

I have received copy of a letter addressed to you by Lala Bhimsen Sachar. When we met on the last occasion I talked about another letter which he had written to you and a copy of which he had given to me. As this question is being raised I would like to have a report from you on the points mentioned and the complaint made in his letter so that I might consider the whole thing and decide what action, if any, should be taken.

Yours sincerely,
Rajendra Prasad

Dr. Gopichand Bhargava

Leader, Congress Party, East Punjab Assembly

Jullundur.

112. *From J.C. Gupta*

23 Circus Avenue

Calcutta

The 21st February 1948

My dear Rajen Babu,

I duly received your letter dated the 14th February in reply to mine dated the 13th February. We have in pursuance of your directive returned Dr. Syama

Prasad Mookerjee and Srijut Kshitish Neogy will also be returned in due course.

You know there was a split in the last Bengal Congress Assembly Party when Sarat Bose's group insisted upon the acceptance of the nominee of the Party by the Central Parliamentary Board. Of course, we were of opinion that the Congress Assembly Party has a right to select its nominee but if the Central Parliamentary Board chooses another instead of approving the Party nominee, we may make representation to them but ultimately we must abide by their final decision.

There has been a very great resentment against the procedure adopted by Dr. Roy who did not even convene a meeting of the Assembly Party and give any opportunity to the Party to recommend its nominee. Perhaps you are aware that there is a great dissatisfaction amongst the members who have chosen Dr. Roy as Leader in place of Dr. P.C. Ghosh over the inclusion of non-Congress outsiders in the Ministry against the wishes of the majority of his adherents. As a matter of fact, the majority of his Party men actually moved to dissolve his Ministry and this was prevented only because Dr. Ghosh and myself stood firmly against it as it would amount to a scandal. Not only such inclusion has been unfair to the Party but also to the Ministers for whom no seat can be found.

From the enclosed correspondence between me and Dr. Roy you will find that I have been trying my utmost to settle the difference by definite decision of the Party to ensure stability of the Ministry. I trust you will see that the Party opinion is first ascertained in all vital matters and the Central Parliamentary Board may not issue any directive without obtaining the opinion of the Bengal Congress Assembly Party.

Hoping to be excused for troubling you with this correspondence which I feel necessary in the interest of West Bengal, and with kindest regards,

Yours sincerely,

J.C. Gupta

Member, Legislative Assembly, West Bengal

Babu Rajendra Prasad.

Enclosures not included.

113. To G.D. Birla

ALL INDIA CONGRESS COMMITTEE

1 Queen Victoria Road
New Delhi
22nd February 1948

My dear Ghanshyamdasji,

You are aware that we are having a meeting of the All India Congress

Committee these days in New Delhi. Members from all parts of the country have come and are anxious to go and see the room which Mahatmaji used to occupy and the place where the tragedy took place. I understand that the public are not permitted to visit the Birla House now. May I request you to allow Congress people who have come from long distances to visit the place. You may keep the place open at some convenient hours these two or three days when they are likely to be here.

Yours sincerely,
Rajendra Prasad

Shri Ghanshyamdas Birla
Birla House, New Delhi.

114. *From Dr. Gopichand Bhargava*

Simla-E
February 22/23, 1948

My dear Babuji,

I am sorry for the delay in replying to your letter dated the 15th February regarding rehabilitation of the Meos in Gurgaon district. About two months ago, Bapuji went to Gurgaon. I was with him. I told the Meos who had collected in the camp as well as those who joined the meeting that those who did not wish to go to Pakistan, should return to their homes. Only those of them should remain in the camps who wanted to go to Pakistan. I made it clear that only those who were in these camps would be sent to West Punjab. Every facility was promised, and actually provided, to such of them as wanted to return to their homes. There are some of the Meos who cannot make up their minds one way or the other. Some of them who wanted to go to Pakistan were taken to the camp near the railway station. At that time the trains were not allowed to leave for Pakistan on account of the unfortunate incident at Gujrat, in the West Punjab, of which you are fully aware. Some of our workers who visited these camps persuaded the Meos to return to their homes. When the workers are there, the Meos tell them that they want to go back to their homes, but as soon as they leave, they change their mind immediately and wish to go to Pakistan. If the Friends Service Unit and the Central Relief Committee could give me a list of the Meos who wish to return to their homes, with their addresses, I shall instruct the Deputy Commissioner to arrange for their safe conveyance to their villages.

2. A large number of Meos belong to Alwar and Bharatpur States. I had a talk about them with the Sardar. He told me that these Meos can remain on with their friends or relations. We cannot afford to keep them in camps for all times to come. They came to Gurgaon from Alwar and stayed with their relations. One cannot now understand why they cannot continue to remain with their relations until we are able to make other arrangements for them. The Meos who were at

the meeting which Bapuji attended, told me that the Hindus of the ilaqa wanted them to go back to their villages and that they were quite secure. This fact was corroborated by our Congress friends. I wonder why it is stated now that these Meos cannot walk about freely or carry on their usual business. They are agriculturists and they have got their own shopkeepers as well. They are free to carry on their business.

3. I have no objection to the workers of the Friends Service Unit and the Central Relief Committee working amongst Meos, but I would request one thing and it is this that Friends will not in any way interfere with the administration of the district. It has been reported to me that Congressmen have been interfering in the district administration a good deal. They have publicly condemned the Deputy Commissioner and the Superintendent of Police. You will agree that if a worker adopts such an attitude, it becomes difficult for the district authorities to afford him facilities in his work. In a district it is these two officers who are representatives of the Government who can help the workers. If the Friends have got any complaint against the officers, they should let me know immediately and I shall see that these complaints are removed.

4. As for their lands, those who have gone back to their homes have got them back. No refugee was allowed to resettle in those lands. The lands were allotted to the refugees only in Palwal from where the Meos had left. If I could know the names of those Meos who belong to Palwal tahsil and own lands there, I shall get their lands back for them. I am afraid it will not be possible for us to keep the lands of those who have left for Pakistan unallotted indefinitely. It would stand in the way of Grow-More-Food campaign.

5. I am going to Rewari on the 29th, and if these Friends could meet me there, I shall issue the necessary instructions to the authorities and shall see that the Friends are allowed to carry on their work unimpeded.

Yours sincerely,
Gopichand Bhargava
Premier, East Punjab

The Hon'ble Dr. Rajendra Prasadji
President, All India Congress Committee
Delhi.

115. *From Dr. Bidhan Chandra Roy*

SECRET & PERSONAL

Calcutta
23rd February 1948

My dear Rajendra Babu,

I have received your letter of the 14th instant in reply to my letter of the 10th

instant. I think I should give you the background a little so that you will exactly know the situation as it developed before the formation of the new Ministry.

2. On the evening of the 13th January I was asked by Dr. Sushila Naiyar over the phone that I should go to Delhi on account of Gandhiji's fast. I, therefore, decided to leave for Delhi on the 14th instant. Just before leaving, Dr. P.C. Ghosh telephoned to me from Government House that he had received intimation that the Congress Assembly Party did not want him as the Leader and that they wanted me to be the Leader of the Assembly Party, and that I should postpone my departure for Delhi and take up the formation of the Ministry. As the matter was urgent, I pleaded my inability to stay behind, and I also told Dr. Ghosh that if it was a question of the Bengal Ministry on the one hand and Gandhiji on the other, I should have to choose my course and go to Delhi. I enquired of him whether there was any definite decision arrived at by the Party. He told me that the Party had not met but he had been informed of the matter. It appears that on the 15th evening the Party met and passed a resolution unanimously accepting me as the Leader. On the evening of the 15th January I received a phone message about it at Delhi, which asked me to return as soon as possible. I got a similar message from the Government House. I requested both the parties to wait until I could return, firstly because I was not quite sure how long Gandhiji would go on with his fast, and, secondly, I was not sure myself whether I would take the responsibility of the Ministry in Bengal, because I did not know the exact layout in political Bengal. As you are aware, Gandhiji broke his fast on the 18th: I stayed there on the 19th and I returned to Calcutta on the 20th evening. The same evening I met the members of my Party at my house and they unanimously decided to leave the formation of a Ministry to me. Till then I did not feel that I had the knowledge, the opportunity, or the time to think about the formation of a Ministry. I was to have proceeded with the discussion about the names but I was faced with a letter on the 21st morning from some members of the Party saying that they did not desire that I should take any Ministers from outside the Party. Before I left Delhi I had a long discussion with Mahatmaji with regard to the formation of the Ministry in Bengal. He indicated that the Ministries all over India were 'bahut ganda' and that I should not hesitate in taking any particular individual whom I thought would be a desirable person and who would be a strength to the Party whether he was within the Assembly or not. He said if the new Ministers who were brought from outside could really give their services honestly and earnestly, there should be members of the Assembly Party who should make room for such Ministers; otherwise a dissolution may be necessary. He particularly mentioned the name of Nalini Babu. This happened to be also my view in this matter. I decided in my mind to approach the members of the Party who had given me the ultimatum on the 21st morning and tell them that if they insisted upon this particular proposition that I would be prevented from using my own judgment as regards the personnel and the number, I would not like to undertake the responsibilities. Members and groups began coming to me for discussion and it was not until the morning of the 22nd instant that they



Left to right: Sarat Chandra Bose, Jagjivan Ram, Dr. Rajendra Prasad, Vallabhbhai Patel, Asaf Ali, Jawaharlal Nehru, Ali Zaheer



Left to right: Jawaharlal Nehru, Asaf Ali, Ali Zaheer, Dr. Rajendra Prasad, Mathura Prasad, Vallabhbhai Patel

agreed in writing to leave the matter to me, although their desire was that the Ministers should, if possible, belong to the Party. My own view has been that the Ministry in Congress Provinces should not be built up on Party groupings, but should be built upon the basis of the capacity of members. If capable Ministers could not be found within the Party, they should be brought from outside even, as you have done in the Centre.

3. As you are aware, there are three prominent groups here amongst the Congress members. There is the Khadi group led by Dr. Prafulla Chandra Ghosh, the Khadi group led by Sri Prafulla Chandra Sen, and the B.P.C.C. group. I decided to take only those whom I considered to be of help to me in the Ministry. The first person I spoke to was Dr. P.C. Ghosh. I met Maulana Azad on the morning of the 21st and he asked me to put Dr. P.C. Ghosh in charge of the Home Department. He also told me that if I agreed to do so, and if I dropped two persons whom Dr. P.C. Ghosh had discarded from the previous Ministry, Dr. Ghosh might be induced to come in. In addition, Gandhiji told me before I left Delhi that if I wanted Dr. P.C. Ghosh and felt that his inclusion in the Ministry would strengthen my Ministry, he would induce Dr. Ghosh to join my Ministry. It was on this basis that I felt that Dr. Ghosh might join my Ministry. Dr. Ghosh left Calcutta on the 21st afternoon and I had hopes that when he met Gandhiji the latter might influence Dr. Ghosh to join my Ministry. That was another reason why I was hesitating to form the Ministry until I heard definitely from Dr. Ghosh. On the 22nd morning, however, there was a Press report in which Dr. Ghosh declared that he would not join the Ministry and, therefore, I had to reshuffle my list. About midday on the 22nd I received a notice for the swearing-in ceremony on the 23rd morning and that I should be ready with my list by 5 o'clock on the 22nd evening.

4. You will notice, therefore, that I had hardly five hours in which to finalise my list. It was neither possible physically, nor did I feel it to be of any advantage to inform the Central Parliamentary Board and get your sanction regarding the formation of the Ministry. I say this also because the members of the Central Parliamentary Board cannot in the ordinary course follow the undercurrents of political changes occurring in Bengal every now and then. The fact is that I had to send the list to the Governor by 5 o'clock and the swearing-in ceremony took place the next morning. Therefore I say there was not "plenty of time to inform you or the Parliamentary Sub-Committee". I have given you the reasons and I hope you will appreciate them.

5. I follow your hint indicated in the following sentence:

...because very much smaller matters like the nomination of a candidate for election to the Provincial Legislative Assembly was referred to me, and my sanction obtained, when you too were a candidate.

I may be permitted to mention that this reference to you was not made by me in the first instance. When I saw you in Delhi with regard to it, I did so because I was

informed on very reliable authority that there was an attempt to postpone the election on the ground that the electoral roll had to be prepared over again. I will not refer to the other part of the first paragraph of your letter because I think I have made my position clear already.

6. With regard to the second paragraph of your letter, I only want to point out and emphasise the fact that before I undertook the responsibility, I had made sure by obtaining a written undertaking from different groups that they left everything to me, but as one cannot satisfy every aspirant to a Ministry, such movements regarding changes must take place sometimes and I know it happens in every Province, now and again.

7. I do not agree with you that the dissolution of the House "is unthinkable under any circumstances". This I say firstly because I know that if I give up the Ministry there could be no stable Ministry formed in Bengal with the present composition of the Assembly. Secondly, if there be an election, I do not think that in Bengal there is any chance of any other party but the Congress coming in, although I do apprehend, seeing the grouping amongst the Congress people themselves in Bengal, that unless the selections are made with a strong hand and from the centre, the same mistake would be made as on the last occasion and we will have the same indifferent type of members in the Assembly.

8. With regard to the number of the Ministers, I shall discuss with you when I am in Delhi next week. Meanwhile, may I point out that the members from outside the Assembly whom I have taken, viz., Sreejuts Sarkar and Choudhury, have no following in the Party, nor have I. You refer to the fact that since we have 12 Ministers, we should have satisfied ourselves of the stability of the Ministry before starting work. I respectfully differ from this point of view. All of these are Congress members and within the Congress group. No attempt should be made only to select such Ministers as could bring in a few votes. If that be regarded as the correct procedure, I personally have no place in the Ministry, nor have Sarkar and Choudhury. If you mean that every Minister must bring in some supporters from amongst the Congress members so that the Ministry as a whole would be stable, all I can say is that while the Ministry in such cases may remain in office, there would be absolute inefficiency in administration. I do not, therefore, subscribe to the view that inside a Congress Party the number in the Ministry should be based upon 'enough support' to carry on the administration, but upon qualification and capacity of each Minister.

9. I have received your two telegrams regarding the vacating of a seat by a member of the Constituent Assembly in order to accommodate a scheduled caste member. As you know, it was I who on the morning of the 13th instant telephoned to you about the dissatisfaction amongst the scheduled caste members regarding our taking up their seat for Dr. Syama Prasad Mookerjee. I did so because I had before me a letter which you wrote to Kshitish Babu on the 29th of January—a copy of which was sent to me—in which you mentioned the fact that "the acceptance of Mukunda Babu's resignation from the Constituent Assembly created another vacancy and that this vacancy, and the increased

Hindu seat created, should be enough to put in both Mr. Neogy and Dr. S.P. Mookerjee". In this letter you did not refer the question of a vacancy to be created for a scheduled caste candidate, nor any stipulation made at that stage. On the 13th night you told me over the phone that "provided a seat is rendered vacant for a scheduled caste candidate, Dr. Mookerjee should be elected". I told you that Sri Prafulla Sen's seat could be made vacant and I conveyed your message to him immediately. I have no power over the members of the Constituent Assembly, nor do I know them personally because they were elected when I was not in Calcutta. I believe the Central Parliamentary Board only can call upon any member to resign and I hope you will be able to induce one of them to do so. I have conveyed your message to two or three persons.

B.C. Roy

116. To Dr. Bidhan Chandra Roy

1 Queen Victoria Road
New Delhi
25th February 1948

My dear Dr. Roy,

You will please notice that in the *Gazette of India* dated the 21st February 1948 at page 230, a notification requiring West Bengal Legislative Assembly to elect two members to the Constituent Assembly has been published. One of these will have to be a Muslim seat and the other General. As regards the General seat I have already written that Syt. K.C. Neogy should be elected in this place. I hope you will take immediate steps in this behalf. The Speaker has been already formally notified by the Constituent Assembly office to take action in the matter. The election should be completed and the result communicated to the Constituent Assembly office to take action in the matter. The election should be completed and the result communicated to the Constituent Assembly before the 5th of March 1948 after which date Mr. Neogy will cease to be a member of the Cabinet unless he is elected to the Constituent Assembly. I hope you will treat this matter as urgent.

I sent to you a telegram on the 16th of February to the effect that no resignation had yet been received by the Constituent Assembly office of any member of the Constituent Assembly from West Bengal. You will recollect that you had written to me that Syt. P.C. Sen who had become a Minister would resign and it was with the hope and understanding that a seat would soon be found for a scheduled caste member for the Constituent Assembly that the seat vacated by Syt. Mukund Behari Mullick was given to Dr. Syama Prasad Mookerjee. I regret that I have not yet received any acknowledgement of the telegram nor has the resignation yet been received. I hope you will please see to it that the condition is fulfilled and the vacancy created soon, otherwise it will lead

to a great misunderstanding as we should not deprive the scheduled caste members of a seat which they occupied in the Constituent Assembly. I hope you will favour me with an early reply.

Yours sincerely,
Rajendra Prasad

Hon'ble Dr. B.C. Roy.

117. *From Dr. Gopichand Bhargava*

Camp: Jullundur City
25th February 1948

My dear Babuji,

I am in receipt of your reminder regarding my reply to the letter of Shri Bhimsen Sachar. Last time when I was in Delhi I had a talk with you and had explained to you the whole situation. You had told me that you would discuss the whole matter with Shri Sachar. Therefore I thought that after my talk with you no reply was necessary. Moreover, I was out of Jullundur during the last few days. Hence the delay.

Shri Sachar wants that the Ministry should be expanded. We are already 7 and I feel that we should not add more. Argument given in favour of expansion is that people from West Punjab be given representation. Does it imply that we can't safeguard their interests? I refuse to accept this. I and my colleagues are as much interested in the welfare of the refugees from West Punjab as anybody else. Rather I claim that during the last few months we have taken more pains to work for the welfare of our refugee brothers and sisters than some of those who want representation in the Cabinet. Moreover, those who have come from West Punjab are now as much of the East as we are. Therefore I am not prepared to accept the claims of Shri Sachar and his friends that they only can safeguard the interests of the West Punjab refugees.

As far as reshuffling of the Cabinet is concerned I do not think that you desire me to have anybody in my Cabinet who I think will not work with me as a team. Whatever our shortcomings and weaknesses, we are at present working as a team and I would submit that the best interest of my Province demands that this team should not be disturbed. Any reshuffling of the Cabinet at this stage will create a number of complications. We are at present 7 members of the Cabinet. If there is to be any expansion we will have to give at least one more Minister to the Akali Party. It would mean out of 9 we will have 4 Sikhs. At present there are 2 Panthic Ministers and 1 Congress Sikh. In case of expansion of the Cabinet there will be 3 Panthic Ministers and only one Congress Sikh Minister. This is the position which I am afraid our Congress Sikh friends will not accept. In that case we will have to raise the number of the Ministers to 11 which I am sure will in no case be

desirable. In these circumstances I would submit that no change should be made in our present Cabinet.

Yours sincerely,
Gopichand Bhargava
Premier, East Punjab

Dr. Rajendra Prasad
President, All India Congress Committee
New Delhi.

118. From Dr. Gopichand Bhargava

Camp: Jullundur City
25th February 1948

My dear Babuji,

I received your telegram last night regarding your decision to withdraw your previous orders regarding the nomination of the Congress candidates of the Constituent Assembly. To your telegram I sent the following reply:

YOUR TELEGRAM TEN TONIGHT STOP BHIMSEN SACHAR DID NOT CONSULT PARTY EXECUTIVE IN 1946 STOP I SUGGESTED NAMES IN 1947 IN CONSULTATION WITH DOCTOR LEHNA SINGH PROVINCIAL SECRETARY AND SARDAR PARTAP SINGH STOP SO DID I THIS TIME STOP I ALSO CONSULTED AVAILABLE MEMBERS PROVINCIAL CONGRESS WORKING COMMITTEE AND ASSEMBLY PARTY EXECUTIVE STOP THEY ALL AGREED WITH ME STOP NOMINATIONS TO BE FILED TOMORROW STOP THIS DECISION UNFAIR TO THOSE WHO WOULD HAVE FILED NOMINATION PAPERS OTHERWISE STOP OPEN VOTE WILL RESULT CHAOTIC CONDITION STOP UNDESIRABLES MAY GET ELECTED

In this connection I would only submit that the decision taken by you is most unfair to me and to others who wanted to file their nomination papers but refrained from doing so as they did not want to violate the discipline of the Congress. In your telegram you say that I did not consult the Provincial Congress Committee. I did consult the General Secretary of the Provincial Congress Committee and some other prominent Members of the Working Committee. As you know, Dr. Kitchlew, President of the Punjab Provincial Congress Committee, resides in Delhi these days. Our provincial organisation is not at all functioning. It was difficult for me to contact Dr. Kitchlew and so the only persons whom I could contact were the General Secretary of the Provincial Congress Committee, Sardar Partap Singh, and some other prominent Members of the Congress Working Committee. I was never asked to consult the Provincial

Congress Committee. You only wanted me to give my recommendations which I did. Though I was not bound to consult my Executive also, yet I did consult those Members who were available in Jullundur. I may also add that last year also I suggested names in consultation with Dr. Lehna Singh and Sardar Partap Singh and nobody objected to that procedure and this time also I did the same. In 1946 Shri Bhimsen Sachar submitted his nominations for the Constituent Assembly without consulting anybody. It is very unfair that at this stage I am told that I did not consult the Provincial Congress Committee or my Executive Committee. Dr. Lehna Singh was away to Sargodha in connection with his duties as a Liaison Officer there. He agrees with me. Dr. Kitchlew is in Delhi and so I could not contact any one of them.

You want that the election should be kept open and that nobody should be put up on behalf of the Congress. I would submit that this is a procedure which might result in some undesirable persons getting elected to the Constituent Assembly. This will create a precedent which might create difficulties for us in future also. I really cannot understand how can an organisation fight elections without nominating their candidates. Surely we do not want Congressmen fighting among themselves and then where is the guarantee that all Congressmen will vote for Congressmen only and will not vote for a non-Congressman unless definite instructions are issued to them?

I got your telegram only last night at about 10. It was impossible at that late hour to tell others also who wanted to file their nomination papers that they could do so. I would most humbly submit that I feel that I have been let down unjustly. But in obedience to your wishes I will do whatever you want me to do.

Yours sincerely,
Gopichand Bhargava
Premier, East Punjab

Dr. Rajendra Prasad
President, All India Congress Committee
New Delhi.

119. *From Vallabhbhai Patel*

SECRET

New Delhi
25 February 1948

My dear Rajen Babu,

A question has been raised in connection with the decision to ban volunteer organisations as to what should be done with the Congress' volunteer

organisations. It has been pointed out that it would be illogical to ban other volunteer organisations without banning the Congress volunteer organisations. For the time being, I have issued instructions to leave out Congress volunteer organisations and prohibit the activities of other political and communal volunteer organisations. I should be grateful if you would kindly consider the question of the Congress volunteer organisations and let me know what you think about it.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Dr. Rajendra Prasad
1 Queen Victoria Road
New Delhi.

120. *To Dr. Gopichand Bhargava*

1 Queen Victoria Road
New Delhi
25 February 1948

DR GOPICHAND BHARGAVA
PREMIER, JULLUNDUR

YOUR TELEGRAM ALL VOTERS CONGRESSMEN LET THEM CHOOSE FROM AMONGST CONGRESS CANDIDATES NO RISK OF ANY UNDESIRABLE OUTSIDER ELECTED OTHERWISE ELECTION REDUCED TO FARCE WHEN CANDIDATES BEING LEADERS NOMINEES AND ALL VOTERS FORCED TO VOTE FOR THEM UNDER PARTY DISCIPLINE

RAJENDRA PRASAD

121. *To Jawaharlal Nehru*

New Delhi
26th February 1948

My dear Jawaharlalji,

It has been decided that members of the Constituent Assembly (Legislative) who are also members of a Provincial Legislature should not attend the meetings of the Constituent Assembly when it is functioning as Central Legislature. A large number of members of the Constituent Assembly have thus been debarred by private party resolution from joining sessions of the Constituent Assembly. It seems to me that this operates unjustly towards the Provinces whose

representatives they are. Out of 49 members from Madras no less than 22 are debarred from attending meetings of the Central Legislature. Similarly, 10 out of 21 from Bombay, 31 out of 55 from U.P., 23 out of 36 from Bihar, 8 out of 16 from C.P. & Berar, 6 out of 8 from Assam, and 5 out of 9 from Orissa. On the whole out of 226 members representing Madras, Bombay, West Bengal, United Provinces, East Punjab, Bihar, C.P. & Berar, Orissa, and Coorg, as many as 113 are kept out.

The Central Legislature deals with many questions in which the Provinces are interested and it seems to be unfair to them that their chosen representatives should not be permitted to participate in the proceedings. It is true that when the Central and the Provincial Legislatures sit simultaneously, a person who is member of both these legislatures has to absent himself from one or the other. It would perhaps be fairer to leave him or his constituency, which in this case is the Provincial Assembly, to decide where his presence is more required and it does not seem to be right for the Party to decide that the representation given by law to a Province should be cut down by 50% as the figures given above indicate has been done. If it were a question only of one session perhaps the injustice could be easily put up with but the Constituent Assembly (Legislative) is going to function as the Central Legislature until the new Constitution which is being framed comes into force. This may very well take another 18 months to 2 years and that will be a period when many decisions of far-reaching importance will have to be taken. It is therefore desirable that every Province should be represented fully in the Central Legislature. If double membership is considered to be such an evil as not to be countenanced then all such members should be asked to give up their membership either from the Centre or from the Province and the vacancy caused should be filled up. This may involve 113 by-elections. So far as by-elections to the Constituent Assembly are concerned, they do not involve much trouble as Provincial Legislative Assemblies have to fill them up but if a member chooses to resign from the Province that will involve a new election in which the mass of voters in the constituency will have to participate. At the same time we cannot lay down one general rule that all should resign from the Constituent Assembly because there are many members whose presence has been very helpful in the past and will be very helpful also in the future. I have been worried about this for some time and I thought I must draw your attention to it. I feel that option [should be] given to the members to attend the one or the other Assembly according to the nature and importance of the business. That alone will obviate large number of by-elections and give a fair deal to the Provinces which are very poorly represented as a result of this decision.

Yours sincerely,
Rajendra Prasad

The Hon'ble Pandit Jawaharlal Nehru
17 York Road, New Delhi.

122. *To C. Rajagopalachari*

1 Queen Victoria Road
New Delhi
28 February 1948

My dear Rajaji,

I am very much amused to receive a cheque for Rs.197/15/- from your Military Secretary, being the one-third of the month's net salary drawn by you. It never struck me that the Governor's net salary in West Bengal is Rs.593/13/- per month. Here in the Government of India the salary used to be Rs.5,500 but after deducting taxes we used to get at least nearly five times as much per month. I wonder if they have different rules as regards the income-tax and super-tax for Governors and Members of the Central Government.

I have not been keeping well at all. I am thinking of going to Wardha in a day or two. You know we are going to have a conference on the 13th and 14th of March. We would all be expecting you there at that time. I hope you are well.

With kind regards,

Yours sincerely,
Rajendra Prasad

H.E. Shri C. Rajagopalachari
Governor of West Bengal
Government House, Calcutta.

123. *To Vallabhbhai Patel*

1 Queen Victoria Road
New Delhi
28th February 1948

My dear Vallabhbhai,

As we have already organised the office of the Gandhi National Memorial Fund, any donations which may be received by you should now be sent to the office at 6 Jantar Mantar Road instead of being sent to me personally. As you know, Pandit Brijlal Nehru has been put in charge of the Account and Audit and he will deal with the donations.

Yours sincerely,
Rajendra Prasad

124. *From Govind Ballabh Pant*

Lucknow
March 1, 1948

My dear Rajendra Babu,

I have been reading disquieting news in the papers about your continued indisposition. I am somewhat concerned. You have been continuously unwell for several weeks. Hope you are taking proper care. I shall feel grateful if you will kindly ask Chakradhar to drop a line occasionally to inform me about your progress.

I have to apologise to you for my unavoidable absence from the last meeting of the A.I.C.C. I had every hope of being there on the 19th but suddenly I got a bad boil on my back which did not allow me to move out for several days. I was very sorry to miss the Working Committee and specially the A.I.C.C. which I have been regularly attending for the last many years.

I have just seen in today's papers that you have fixed the personnel of the Provincial Branch of the National Memorial Committee. I had been informed by friends who had seen you that the list which had been prepared by us here in consultation with the Provincial Congress Committee had been approved by you. I am, however, awaiting formal communication on the subject. The matter is somewhat urgent and calls for immediate action. People have been unable to make their contributions for want of definite directions and during the interval many local schemes have been put forward by stray individuals here and there. Such frittering of energy and resources has to be discouraged. I think it is time that a vigorous drive were launched. The sooner we do so the better.

Hope this finds you well.

Yours sincerely,
G.B. Pant

125. *From C. Rajagopalachari*

Government House
Calcutta
2nd March 1948

My dear Rajendra Babu,

I have your kind letter. The calculations of my net earnings and remittance are quite correct. My short acting appointment as Governor-General took me to a different slab in income-tax and super-tax assessments and heavy deductions are being made.

I am very sorry that in spite of your invitation, I am unable to go to Wardha as

Lord Mountbatten will be here that week as my guest. It is impossible to get away in these circumstances.

Hope your health is now better than when I last saw you.

Yours sincerely,
C. Rajagopalachari
Governor, West Bengal

The Hon'ble Dr. Rajendra Prasad
1 Queen Victoria Road, New Delhi.

126. *From Jawaharlal Nehru*

New Delhi
2nd March 1948

My dear Rajendra Babu,

Thank you for your letter of the 26th February about members of the Constituent Assembly (Legislative) who are also members of the Provincial Legislature not attending the former. I appreciate the points you have raised. There is obviously this difficulty. I suppose it is hardly worthwhile making any changes in the present session but we should consider this matter afresh. I might inform you that as a matter of fact we have allowed quite a number of such members to attend the present session of the C.A. for special reasons.

I have sent a copy of your letter to me to the Speaker, to the Deputy Prime Minister, and to the Chief Whip. We shall meet and consider this matter and then consult you. We wish to avoid by-elections at this stage.

Yours sincerely,
Jawaharlal Nehru

The Hon'ble Dr. Rajendra Prasad
1 Queen Victoria Road, New Delhi.

127. *To H.V.R. Iengar*

New Delhi
The 2nd March 1948

My dear Iengar,

Please refer to your letter No. D/S/800 dated the 1st March 1948 enclosing an extract from a letter from our Ambassador at Rangoon. I think in a place like Rangoon outside India some visible memorial will be more appreciated than any kind of social service which though very useful and helpful does not always

Enclosure:

(Copy of a letter addressed to the Prime Minister, Indian Union)

EAST BENGAL MINORITY WELFARE COMMITTEE (DELHI)

8 Lady Hardinge Road
New Delhi

The 26th February 1948

Sir,

I have the honour to enclose herewith for your information a copy of the resolutions passed unanimously at a largely attended meeting of the Bengali residents of Delhi and New Delhi held on the 14th February 1948 under the presidentship of Shreejut Surendra Mohan Ghosh, President of the Bengal Provincial Congress Committee, to consider some of the problems arising out of the present economic and other difficulties of the minority community of East Bengal.

It is not easy to give a correct estimate of the number of people seriously affected by these difficulties nor of those who have been compelled by the force of circumstances to leave the Province of East Bengal and seek shelter, safety and the means of livelihood elsewhere. But it may not be an exaggeration to say that the number of those who have recently migrated to West Bengal alone is about 20,00,000. If to this figure is added the number of those who have found their way from East Bengal to Calcutta from time to time for earning their livelihood but do not possess any landed property in that city or elsewhere in the Indian Dominion, the total may reach the formidable figure of half a crore, if not more, all needing relief and rehabilitation.

It was recently declared in the Federal Legislature from the Treasury Bench in reply to a question put by a member that the West Bengal Government had been giving suitable help to those who had migrated to the Province. It is probable that such help has been given in some individual cases. But the public in general are not aware of any planned scheme of relief and rehabilitation adopted by the said Government. On the other hand there is reason to believe that the said Government have not so far considered the matter at all as a serious problem requiring their earnest and immediate attention. It is not intended to make any comment on the attitude of the Government of West Bengal, although it has caused much pain to the minority community of East Bengal. However, my Committee expect that in near future the West Bengal Government will take up this matter with due seriousness. But my Committee are under the impression that the problem may prove to be too great for the said Government to cope with.

My Committee further consider that responsibility in this matter lies on the West Bengal Government as well as the Government of the Indian Union and anxiously turn to your Government for taking immediate and effective measure of relief and rehabilitation for the sufferers of East Bengal and believing that

they, like the sufferers of West Punjab and Sind, will not fail to receive immediate attention and sympathy of your Government.

My Committee are aware of the fact that young men of good education have been compelled to leave in despair their homes in East Bengal and are seeking some means of livelihood in different parts of the Dominion of India. A considerable number of them have arrived within the last few months in Delhi itself in search of employment, but unfortunately have found so far little encouragement. While recruiting persons for employment under the disposal of your Government, deserving cases of young men from East Bengal will, it is hoped, receive due consideration from the authorities concerned.

According to information received from reliable sources a large number of people from the districts of Tippera, Noakhali, Dacca, Sylhet and Mymensingh have migrated to the Province of Assam and are now in destitute circumstances. My Committee desire to take this opportunity to invite the attention of your Government to the sad plight of these unfortunate immigrants, and to pray that your Government will be so good as to communicate with the Government of Assam on this subject with a view to secure for them such measures of relief and rehabilitation from the Government of that Province as your Government may deem suitable.

My Committee are fully mindful of the present gloomy atmosphere of the country and they do not, therefore, propose to do anything which is likely to embarrass the Government. The resolutions forwarded herewith will speak for themselves, and you will, my Committee hope, appreciate the motive which has prompted them to approach your Government. They desire to convince your Government as well as the Government of West Bengal that several lacs of people have already migrated from East to West Bengal and that the question of relief and rehabilitation in their case is urgent and pressing. We are prepared, in our own humble way, to render every possible assistance to the Government in this matter.

Finally my Committee pray that you will be kind enough to grant an interview to a deputation appointed by the Committee and authorised to submit to you in person their views. The deputation consists of the undermentioned persons:

R.B. Nishi Kanto Sen (President).

Dr. Sukumar Datta.

Shreejut Anil Das.

Dr. A.R. Chowdhury.

I have the honour to be,
Sir,

Yours most respectfully,
N.K. Sen
President

Pandit Jawaharlal Nehru
Prime Minister, Indian Dominion
New Delhi.

(Copy of Resolutions passed at the meeting of the Bengali residents of Delhi and New Delhi held in the Raisina Bengali Higher Secondary School on Saturday, the 14th February 1948)

Resolution 1

That the Bengali residents of Delhi and New Delhi view with deep concern and grief the present state of affairs in East Bengal seriously affecting the economic and cultural life, and even in a large measure the status as self-respecting citizens of the minority community. It is a significant fact that a considerable number of the said community have already left in despair their hearth and home and have migrated without any adequate means to West Bengal and elsewhere while others may be compelled by the circumstances to do so in near future. According to reports received from time to time from various sources about 20,00,000 men and women, mostly of the middle class, have already found their way to the neighbouring districts. Being without funds or any other resources, they are utterly helpless in their new surroundings and are, therefore, in urgent need of shelter, food and clothing, to say nothing of the other amenities of civilised life.

The Bengali residents of Delhi and New Delhi beg, therefore, to urge upon the Central Government as well as upon the Government of West Bengal that they should fully realise the seriousness of the situation and in view of their own responsibilities in this respect take effective steps immediately to help these unfortunate victims of the partition of Bengal and rehabilitate them in the Provinces of their adoption.

(Proposed by Sj. Nishi Kanto Sen and seconded by Sj. Ananta Bandhu Roy Chowdhury.)

Resolution 2

That this meeting of the Bengali residents of Delhi and New Delhi, while appreciating the fact that there is no communal riot in mass scale prevailing in East Bengal as has been the case in the Punjab, N.W.F.P. and Sind, realises the difficulties of the minority community in that Province which are mainly of an economic nature, but hopes that condition would soon be created so that the said community may live in that Province with all the rights and privileges of citizenship of that state.

And that this meeting while drawing the attention of the Governments of both the Dominions to the unhappy state of affairs affecting the minority community in East Bengal, urges upon the Government of India as well as the Government of West Bengal to keep a watchful eye on the trend of events in East Bengal so that if ever any necessity for mass transfer of population arises, the Government of India may take proper action in time to reduce to a minimum the sufferings of the migrating people who, through no fault of their own, may be compelled to leave their hearth and home.

(Moved by Dr. Sukumar Datta and seconded by Sj. Subrata Chakrabarty.)

At this stage, Pandit Lakshmi Kanta Moitra, with the permission of the Chair, spoke in some detail about his experience of the conditions prevailing in some parts of East Bengal. Subsequent to his speech the following resolutions were duly moved and unanimously adopted.

Resolution 3

That this meeting is convinced by reports received from East Bengal and by the recent legislative measures adopted by its Government that the economic and other interests of the minority community of that Province are far from safe under the new conditions. It urges the Central Government, therefore, to appoint without any loss of time a Deputy High Commissioner, a Custodian of Property and such other Officers as may be found necessary to look after and safeguard the interests of those who have already migrated and those who in future may have to migrate to the Indian Dominion.

Resolution 4

That this meeting endorses the generally accepted view that the administrative units or Provinces of the Indian Union should be reconstituted on a linguistic basis and earnestly requests the Central Government and the Constituent Assembly to transfer to West Bengal, as early as possible, those areas in the neighbouring Provinces where the majority of the people speak the Bengali language. This will not only have the obvious social, educational, administrative and other advantages but will facilitate, by enlarging the present very limited territory of West Bengal, the rehabilitation of those who have already migrated and those who will migrate in near future to the Indian Union from East Bengal.

(Moved by Sj. Subrata Chakrabarty and seconded by Sj. Sushil Roy Chowdhury.)

Resolution 5

That, in order to continue and further this movement for the protection and the welfare of the minority community in East Bengal it is resolved that a Committee consisting of the undermentioned persons be formed, under the name 'East Bengal Minority Welfare Committee',* with powers to co-opt.

(Moved by Sj. Kali Mohan Chakrabarty and seconded by Sj. Rajendra Bhattacharya.)

Resolution 6

That it is resolved that Sj. Nishi Kanto Sen be the Chairman and Sj. Ananta Bandhu Roy Chowdhury the Secretary of the said Committee.

(Moved by Sj. Keshab Chandra Nag and seconded by Sj. Subrata Chakrabarty.)

Vote of Thanks

On behalf of the conveners and the Bengali residents of Delhi and New Delhi S^j. Nishi Kanto Sen thanked S^j. Surendra Mohan Ghosh for conducting the meeting which then terminated.

N.K. Sen
Chairman

*List of Members not included.

130. *To Govind Ballabh Pant*

4 March 1948

My dear Pantji

Your letter dated the 1st March has been received. I came to Wardha on the 3rd. The object in coming here was twofold—to take rest and to attend the Conference of workers engaged in constructive work of the various organisations started by Gandhiji. The Conference comes off on the 13th, 14th and 15th March and preliminary discussion with workers who have already arrived has started today. I am participating in these discussions and hope to be able to attend the Conference also which will be addressed on the 13th by Pandit Jawaharlal Nehru. Sardar was to have come but on account of illness, it is feared, he will not attend. As regards my health, it is true I have not been keeping well for a pretty long time. On arrival here I have had a bad shaking but I hope I have got over it and with the hot season now on I may keep well as usual. I was sorry to learn that you too had some trouble which prevented your going to the Working Committee and A.I.C.C. meetings. I hope you have got over it and are now free from effects of the boil you had. I do not know if you have any sugar-trouble. I hope you have none and so the boil may be a simple business and may have no serious effect. I shall be obliged to you for your keeping writing to me now and then. I understand from Chakradhar that he has asked for the list of members for the Memorial Committee of U.P. to be sent to you and I hope it has already reached you. As you know, my own ill-health has been responsible to some extent for the delay in speeding up the central organisation but I hope things will now move fairly quickly.

Yours sincerely,
Rajendra Prasad

Hon'ble Pandit Govind Ballabh Pant
Prime Minister, Government of United Provinces
Lucknow.

131. *From Dr. Bidhan Chandra Roy*Calcutta
5th March 1948

My dear Rajendra Babu,

Our friend, Devi Prasad Khaitan, is no more: he was a noble soul and a very lovable person.

I am writing this to you to keep you informed of the position regarding the representation of West Bengal in the Constituent Assembly. The Revenue Department has given me the following figures for West Bengal:

Scheduled Caste	3.3 million
Muslims	5.2 million
Others	12.6 million

It is obvious therefore that the Scheduled Castes should have three seats, Muslims should have five, and the rest 13. At present there is one Anglo-Indian member, one Indian Christian member, and one representing the backward tribes (Gurkhas), and the remaining ten seats belonged to the Caste Group, of whom Devi Prasad Khaitan was one. I understand there are already five Muslim members and only two Scheduled Caste members. Therefore, I am afraid Devi Babu's seat must go to a Scheduled Caste member. Please let me know your decision on this point. Already there is a move to put in another Marwari in place of Devi Babu.

I hope you are keeping well.

Yours sincerely,
B.C. Roy
Prime Minister, West BengalDr. Rajendra Prasad
Wardha.132. *From Shaikh Mohammad Jan*80 Colootola Street
(1st Floor)
Calcutta
6th March 1948

Dear Sir,

I sincerely thank you for your kind favour dated the 22nd ultimo sent through Pandit Parshottam Rai which was duly received by me and, as desired therein, I withdrew my candidature in the by-election for the Bengal Legislative Assembly.

It is true that among other things you were impressed by the representation made by some interested persons that as Bengalee Muslim voters formed the majority of the South Calcutta Muhammadan Constituency there was little chance of my getting elected to the Assembly on the Congress ticket and therefore you decided that the Congress should not set up a candidate in the by-election of the said constituency and did not favour me with your nomination.

However, now that the result of the by-election is out, I beg to enclose herewith a newspaper cutting showing that a non-Bengalee Muslim Independent candidate has defeated a Bengalee Mussalman by about 1,000 votes and this proves that non-Bengalee Mussalmans form the majority of voters there and that I would have also succeeded even without a Congress ticket if I had a desire to contest the by-election independently. But my main object for fighting this election was on the one hand to demonstrate to the Government of West Bengal that so many Mussalmans were with the Congress and wanted to live here as loyal citizens of the Indian Union, and, on the other, to create the feelings of brotherhood and common interests among the Hindus and Mussalmans and make all Mussalmans Congress-minded:

Alas! I did not succeed due to the machinations of local politics.

Yours sincerely,
Shaikh Mohammad Jan
Merchant & Landlord

Dr. Rajendra Prasad
President, All India National Congress
New Delhi.

Copy to the Hon'ble Maulana Abul Kalam Azad and Babu Surendra Mohan Ghosh.

133. *From Sarat Chandra Dutt*

DISTRICT CONGRESS COMMITTEE, KHULNA

Khulna
7th March 1948

Sir,

Herewith I beg to submit a detailed report about the present conditions of the non-Muslims in the district of Khulna. On a kind perusal of the same it will be appreciated that arrangements for Governmental help is immediately necessary for at least partial migration of those who can afford to do so.

According to our realisation some concrete suggestions have been made in the

report which may be kindly given careful consideration and necessary action may be expedited.

I have the honour to be,
Sir,

Your most obedient servant,
Sarat Chandra Dutt
Assistant Secretary, Khulna D.C.C.

The President, Indian National Congress
New Delhi.

Enclosure:

(Report on the conditions of non-Muslims in the district of Khulna)

The peculiar position of the district of Khulna in the matter of division of India deserves special attention. People of the district with non-Muslim majority expressed their allegiance to the Indian Union Flag on the 15th August last, in terms of the national division. But to the utter stupefaction particularly of the non-Muslims the district was declared to have been included in Pakistan. The senses of the majority people were completely bewildered and paralysed by this news. However, the local Congress workers had to face the situation with extreme embarrassment and they tried to pacify the minds of the non-Muslims with assurances that Pakistan would not be an uncomfortable and unsuitable place for them to stay on and live in. Quickly after the declaration of the Radcliffe Award the over-enthusiastic Muslim League leaders of the district arranged a protracted function for celebration of Pakistan for several days. Upon representation by the Hindu leaders the President of the Bengal Provincial Muslim League and the Premier, East Bengal Government, appreciated the feelings of the non-Muslims and directed the League leaders of the district not to carry on a protracted and pompous function of celebration so that the feelings of the non-Muslims might not be wounded in that peculiar psychological moment. But these directions of the High Commands of the Provincial Government and the Muslim League organisation were completely flouted by the local League leaders and the function continued for several days with rather over-zealous pomp and show of a victorious fighter. Thus the non-Muslim majority people of the district lost their confidence in the sincerity of the feeling of neighbourhood of the Muslims.

Ever since the inclusion of the district in the Pakistan Dominion a section of Muslims describing themselves as 'Muslim National Guards' have been persistently carrying on a line of action throwing all sorts of oppression, intimidation and insult upon the non-Muslims. The members of this organisation openly preached hatred and enmity against the Hindus. Within the hearing and under the very nose of the administrative machinery they described

the Hindus as Fifth Columnists and exhorted the Muslims to drive them away from the district. Repeated complaints to the authorities have carried no effect at all.

Khulna Railway Station is the communication doorway to West Bengal for people of four districts of Eastern Pakistan, viz., Khulna, Jessore, Barisal and Faridpur, and naturally there is constant rush of passengers. The Muslim National Guards took to the tactics of illegal and insulting searches of the belongings of the non-Muslim passengers. Even the womenfolk are subjected to indecent and insulting harassment. These depredations are being carried on with impunity and the local authorities being approached expressed their inability to checkmate such activities, however irritating and insulting those might be.

The organisation of Muslim National Guards has become a terror and menace to the non-Muslims. Indecent letters are being addressed to the grown-up Hindu girls and their parents who are asked to get the girls married to the Muslims or to be prepared for the worst in the alternative. The local college and schools of girls are practically closed for non-attendance of students, particularly of the grown-up section of them. There have been several cases of forcible abduction of Hindu girls. The most atrocious crime of the kind was perpetrated upon a minor Hindu girl who was raped by several Muslims and whose garments were set on fire with the result that she sustained severe burns on her body. This happened within four miles' distance from the district town and the authorities showed complete indifference to it.

With the invasion of Kashmir the situation deteriorated and the depredations of the Muslim National Guards were further intensified. These are going on with more vigour and over-zealousness. Another game was started through requisitioning of houses in the town. More than 250 houses of the Hindus—mostly dwelling houses—have been requisitioned in a most arbitrary way and a large number of upcountry Muslims have been infiltrated into the town and accommodated in these houses. These Muslims were described as 'Behar refugees'. But upon enquiry it has been found that most of them have come from Calcutta and a good number of them are notorious goondas of the city. There have been instances when these newcomers have forcibly occupied dwelling houses of the Hindus by ousting them. Hindu houses having places of worship and deities have not been made exception of. The plight of the Hindu owners of houses under requisition can be well visualised when they have got to move from pillar to post for compensation and rents, with no effect. They are thus financially crippled. At the outset the Premier, East Bengal Government, assured the public that houses would be requisitioned in consultation with and upon recommendation by a local Advisory Committee. A Committee was set up by the District Magistrate. But their recommendations upon agreed principles were never followed and indiscriminate requisitions continued according to the whims and caprices of local Muslim leaders. Repeated assurances given by the District Magistrates to the members of the Committee were respected only in their breaches and the Hindu members were ultimately cornered to resign from

the Committee. It may also be mentioned that not a single Muslim house has been requisitioned even though more than 30 per cent of the holdings of the district town belong to Muslims.

During the last Bakrid the Premier, East Bengal, publicly declared that there would be no cow-sacrifice in any new place. Some enthusiastic Muslim National Guards arranged to sacrifice a cow in an open place near a District Board road in the midst of a Hindu locality. The district authority asked them not to do that and they gave an undertaking to that effect. But in complete disregard of their own undertaking they rather demonstratively sacrificed a cow at the very forbidden place and the authorities did not care to take any step against these breakers of law and order.

Following upon these incidents came up the move for realising contribution to "Quaid-i-Azam Fund". The administrative officers, the League leaders as well as the Muslim National Guards intimidated the non-Muslims and coerced them to pay to the fund sums dictated by the former. This was done regularly as a sort of government taxation. The Hindu gun licence holders were rather forced to pay to this fund. The realisation was by way of a premium upon retention of gun licences. But the most curious part is that immediately after realisation of heavy sums from them all the guns of the non-Muslims were confiscated by Government.

The administrative officers on the borderline of the district are more offensive and communally vindictive. At Kaliganj on the border between this district and 24 Parganas the local Muslim police officers converted a century-old cremation ground of the Hindus into a 'Hat' styling the same as 'Nazimganj' after the name of the Premier. The Hindus made representation to the Premier during his visit to this place and the latter assured them that the cremation ground would not be closed and this assurance too has turned the cremation ground into a 'Hat'. This has deeply wounded the feelings of the local Hindus. The local producers, agriculturists, traders and inhabitants used to attend the 'Hat' at Himganj on the other side of the border. They are now forcibly detained from going to Himganj with the result that their commodities are sold at a much lower price at the newly started 'Nazimganj Hat'. Many people have been assaulted and insulted for their attempt to go to Himganj Hat.

Boats carrying merchandise and commodities pass through this area which constitutes an important river-passage. The local police officers in collusion with Muslim National Guards hold up such boats to be released only after ransom money is paid.

The administration of the district has practically become one of absolute lawlessness. The number of dacoities, robberies, incendiarism and such other crimes are increasing and administrative measures are wanting in all the cases. Immediately after confiscation of the guns of the Hindus, dacoities with murders have been committed in the houses of some of them. Two murders in broad daylight have been committed in the district town itself. One of the victims is a Hindu and the other a Muslim mistaken to be a Hindu by dress. Katchari houses

of two zamindars have been burnt. This has increased the feeling of insecurity in the minds of the non-Muslim populace.

From the course of activities of both the administrative machinery and the non-official Muslim organisations it is quite evident that a programme for economic crippling of the Hindus has been adopted. Licences for gun-shops of the Hindus have been cancelled and extended to Muslims. Those for controlled goods hitherto held by the Hindus are being cancelled and Muslim shopkeepers are being introduced. There has been practically economic boycott of Hindu shops. Recently settlement operations have been started in Sundarban area. The Khas lands belonging to the non-Muslim owners are being most illegally and arbitrarily recorded by the Amins in favour of Muslims and the owners having protested against this have been insulted and thus stopped to move further in the matter under threat of violence.

From all these activities of the Governmental machinery as well as of the non-official Muslim organisations it appears to be quite clear that the Pakistan Government has made the district of Khulna a special target. They seem to be bent upon converting the non-Muslim majority of the district into a minority as well as to cripple the resources of the non-Muslims. Absolute indifference of the administration to all such acts of lawlessness and oppression upon the non-Muslims only lend support to the contention that the Government has taken to the course of indirect encouragement to communal organisations like Muslim National Guards and others for annihilation of the Hindus both numerically and materially. Hindus are wanted to be forced to leave their home, hearth and assets so that the same may be extended to the Muslims for enjoyment. The failure of the Pakistan Government has got its reaction upon the mass minds of the Muslims and the Government palpably seem to divert these dissatisfied Muslim elements to the course of enjoyment of assets left by the Hindus.

The position of the Congress workers of the district has indeed become very precarious. Since the declaration of the Award they have been trying hard to dissuade the non-Muslims from migration. They also extended a front of responsive cooperation to the Pakistan Government with the expectation of reciprocity from them. But the realisation has been only painful. Still they continued in their attempt to pacify the non-Muslim minds which have been growing impatient and panicky day by day. Every day the Congress workers are approached by the non-Muslims with stories of oppression and atrocities upon them. The workers have moved the authorities and have knocked about the doors of the Muslim League leaders for redress—but always in vain. Thus driven to the position of utter frustration and futility they have got to carry on their work under the most trying circumstances which can be easily visualised from the above report.

All these systematic acts of oppression and atrocities had been demoralising the minds of the non-Muslims day by day. It was augmented by the declaration of Pakistan as a foreign country as well as of the necessary ingredients for acquisition of citizenship right in the Indian Union. The forecast of introduction of passport

system between the two Dominions also added to the panic. The ultimate position has been one of exodus or migration of the non-Muslim population of the district and from a realistic approach of the situation such a course can no longer be stopped. The Congress workers are now faced with one prominent question: "Can you assure safety to the honour and life of womenfolk?" And they can extend no reply to that.

The policy of intimidation has been lately augmented by some Muslims styling themselves as officers of Pakistan Border Militia who have been carrying on intensive searches of the belongings of passengers and seizing and very often usurping even ornaments, jewellery, cash money, clothings, furnitures, utensils and other articles of family use and personal effects. The S.D.O., Sadar, being approached visited the station; but he too pleaded his inability to stop such acts even though he admitted that there was no law allowing such acts. One Muslim officer describing himself as Assistant Captain of the force openly bragged that he did not care for the S.D.O. or the District Magistrate or even the Dacca Government. He threw down permits given by the District Magistrates, Dacca and Khulna, and S.D.O., Khulna, and detained goods from steamers and boats.

Shri Lalmohan Saha, a respectable and wealthy gentleman of Dacca, was passing through Khulna in a steamer on his way to Calcutta. The Assistant Captain detained the steamer, unloaded all his articles and belongings including huge cash, gold, silver, furniture, etc., worth about Rupees 2 lacs. This was done in spite of the fact that S. Saha was carrying a regular permit from the District Magistrate, Dacca, with him.

The proposal for liquidation of the National Congress organisation in Pakistan has further demoralised the mass minds of the non-Muslims—the psychological reaction being the feeling of helplessness under the apprehension that they are cut off from the active help and protection of all-India body and mind.

Under the circumstances it would not be proper and advisable to discourage migration in toto. Rather those who have got some means for such a course should be helped towards that end so that they might not be possibly thrown to the position of ultimately being a burden upon the Indian Union Government. With this end in view negotiation and arrangements should be made on Dominion Government level so that they may migrate peacefully and smoothly. Illegal searches of the belongings of intending migrants and their detention should be stopped. They may be helped by the Indian Union Government for colonisation without pressure upon Government exchequer.

Another most important aspect of the matter is how to save the immovable assets of the migrants being liquefied. Upon negotiation with Pakistan Government the management of the property of the migrants may be handed over to some impartial and non-communal organisation so that the same may be preserved and the income, after deduction of a reasonable proportion for management, may be sent to the immigrant-owners.

Sarat Chandra Dutt
Assistant Secretary, Khulna D.C.C.

134. *From Jawaharlal Nehru*New Delhi
10th March 1948

My dear Rajendra Babu,

At the Congress Party meeting I received a representation signed by a number of members suggesting that for various reasons the Constituent Assembly meeting for considering the Constitution should not be held till July. I expressed myself strongly against this proposal and many members also objected. I said that this matter of constitution-making should only be postponed or delayed by us at some peril in view of the rapidly changing scene. Psychologically it would have a bad impression in the country and outside.

Subsequently a discussion took place and as a result of this it was the general sense of the House that there should be a clear month's interval between the ending of the present Assembly session and the meeting of the other. They wanted this time to go back to their Provinces as well as to give careful consideration to the draft Constitution. This proposal is not far removed from our present intention which, I believe, was to have the session in the first week of May. It is possible that the present session may go on till about the 10th April or even the 12th. If you are agreeable, the C.A. might be convened for the 9th May or two or three days later. This would meet the general opinion of the House.

Yours sincerely,
Jawaharlal Nehru

The Hon'ble Dr. Rajendra Prasad.

135. *From Dr. Gokul Chand Narang*11 Sri Ram Road
Delhi
10 March 1948

Dear Doctor Sahib,

I am enclosing a cutting from the report of the proceedings of a meeting of the Working Committee of the All-India Hindu Mahasabha held on the 15th of February 1948. Resolution No. 8 deserves your special consideration with reference to the point which I suggested in my previous letter to you. Will the Indian National Congress and the Constituent Assembly be less nationalistic than the much maligned Hindu Mahasabha? The country as a whole and, particularly, the 'Communalists' of the Hindu Mahasabha, who have been damned from a thousand platforms and some of whom have suffered so terribly

in limb, life and property at the hands of the followers of the apostle of non-violence, will watch with much interest whether the champions of Nationalism profit by past experience or still follow the downward path of placating the Moloch of Communalism which has landed the country into a veritable hell.

With respectful regards,

Yours sincerely,
G. Narang

Hon'ble Dr. Rajendra Prasad
President, Constituent Assembly
New Delhi.

Enclosure:

(Resolution No. 8, as passed by the Working Committee of the Hindu Mahasabha)

The Working Committee has taken note of the demand made in certain quarters for the dissolution of all communal political organisations in India. The Committee desires to emphasise that the existence of such organisations was necessitated by the recognition of communal electorate and representation in the Indian Constitution. Even the new Constitution as drafted by the Constituent Assembly, while abrogating Separate Communal Electorate, has provided for reservation of seats for certain sections of the people based on caste and religion. The Working Committee considers this to be contrary to true principles of democracy and nationalism. The Committee, therefore, urges that the draft Constitution should be revised and special reservation on communal or religious ground should be altogether abolished. Only then the ground will be prepared for banishing communalism completely from the field of Indian politics.

136. *To Dr. Bidhan Chandra Roy*

10th March 1948

My dear Dr. Roy,

I have your letter dated 5th March. Shri Devi Prasad was a friend of mine. We were together as students in the Presidency College and a relation, which was then established, continued till his last days. His loss is a personal loss to me. As regards the vacancy caused by his death in the Constituent Assembly the ordinary practice is for the Assembly Party of the Province to make recommendations which are ordinarily accepted by the Centre; and so in this case also before taking any decision I was expecting the recommendation of the Party.

I agree with you that a Harijan should be elected; but this vacancy has arisen now. An arrangement at the time when Dr. Syama Prasad Mookerjee was elected, was that either Shri Prafulla Chandra Sen or any other member of the Constituent Assembly should resign and the vacancy would be created so that a Harijan might be elected in that place and an injustice done to the Harijans by giving a Harijan seat to Dr. Syama Prasad might be rectified. I think the Harijans should not be expected to take advantage of this vacancy which has now arisen. You know there is a decision that the Ministers of Provinces other than Prime Ministers who are representatives of Constituent Assembly should resign their seats in the Constituent Assembly and as a result steps are being taken in other Provinces to give effect to that decision. There is no reason why it should not be done in Bengal also, particularly when that arrangement was made as a condition for Dr. Syama Prasad's nomination in the Harijan vacancy.

There is another point to which, I am sorry, I have to draw your attention. I heard from the radio the other day that you have expanded your Cabinet and have already taken another Minister in it who has been sworn in. This seems to have happened immediately after your return from Delhi. I do not know why again you did not think it necessary to consult the Parliamentary Committee or the President of the Congress about the expansion and the particular Minister to be appointed. As a matter of fact even now I have no information about this development from you. This places me in a very awkward position. As I told you the last Cabinet was displaced by the Party without reference to the President of the Parliamentary Committee and a new Cabinet was formed without reference and now a new Cabinet has been expanded without any reference. I am afraid I shall have to place the matter before the Working Committee and would like you to send such comments as you like on this matter so that the Working Committee might have the benefit of your views also in the matter.

Yours sincerely,
Rajendra Prasad

Dr. B.C. Roy
Premier, West Bengal.

137. *To Rameshwar Agnibhoj*

11th March 1948

My dear Agnibhoj,

Many thanks for your letter of the 3rd March which I have seen now. I agree with you about the contents of the letter but it is not for me to raise the question. The demand for the abolition of the classification should come from the people belonging to those classes and I have no doubt that if it so comes the Constituent

Assembly will favourably consider it; but if it were to start from any of us it might be misunderstood. It is well that you have taken it up with Shri Jagjivan Ram.

Yours sincerely,
Rajendra Prasad

Hon'ble Sri Rameshwar Agnibhoj
Minister for Public Works
Government of C.P. & Berar
Nagpur.

138. *From K.G. Biswas*

MAZDUR PAPERS LTD.

Damodar Road
Jamshedpur, B.N. Rly.
12 March 1948

My dear Deshratnaji,

We are going to bring out a special Bari edition on the 28th March next in Hindi and English.

As I think it will be incomplete without your message, I would request you to drop a few lines reflecting on the life and character of late Prof. Abdul Bari.*

Thanks.

Yours sincerely,
K.G. Biswas
Editor, *Mazdur Avaz*

*See Appendices—Part II for the message, dated Wardha, the 22nd March 1948.

139. *From Dr. Panjabrao Deshmukh*

CONSTITUENT ASSEMBLY OF INDIA

7 Ferozshah Road
New Delhi
March 12, 1948

My dear Babuji,

On the occasion of the very first meeting of the Congress workers after the death of Mahatmaji, I beg most respectfully to draw your attention to the present

condition and aspirations of the kisans (peasants and labourers) of the country. As I had observed on the floor of the Constituent Assembly, this Assembly is dominated by the non-kisans. Even in the Legislative sessions the interests of the poorer peasants and labourers who are the real masses of India hardly get any place. I am sure the dissatisfaction amongst these people has not escaped your attention. It started with the Congress Ministries taking office and from the date of the achievement of independence of India it has grown apace. I have observed that this is not only the case in Central Provinces and Berar and Maharashtra, but also in U.P. and Bihar with whose kisan leaders and workers I have come in touch. They are not prepared to forget that the Congress had solemnly promised that the reins of the independent Government of India shall be in their hands. The formation of our Provincial Ministries has been from this point of view glaringly unrepresentative of their interests and it is my experience that these interests do not find much of a place in our Central Assembly either. I view this whole position with considerable concern. So long as Mahatmaji was alive the masses were prepared to rest content that even if they are neglected for the time being, Mahatmaji being fully conscious of their plight and predicaments would set right the privations they suffer from and the exploitation they are daily subjected to. To my mind, it is clear that Mahatmaji himself was not entirely pleased with either the formation or the work of our Ministries and the activities of quite a large number of the so-called prominent Congress members. I, therefore, beg of you to keep the interests of this vast multitude of dumb, unorganised crores of people and to seek such means as may occur to you so as to give every Provincial and Central administration as much rural bias as possible. There are all manner of portfolios and departments but a department of rural welfare for looking after the interests of the agriculturists as such is wanting. The industrial labour is actually a drop in the ocean of the vast population of India but we attend to them at least a thousand times more than we attend to those whose population can be counted only in crores. Everybody who agitates on a separatist basis obtains some share or the other. I refer to the Scheduled Castes, the Sikhs and the Indian Christians. Agriculturists mean the real India but for their special benefit very little is being done. It is now patent that the Governments are going to undertake greater and greater activities and this can be only done by employing larger and larger numbers of people in Government services. Many people are trying to make a fetish of efficiency just in the same way as the British people talked about it in the beginning of their rule in speaking of merit and open competition. This can only mean that those who have secured a position of vantage are determined to keep it, no matter how unjust and unfair it is to the rest of the population. Many of those shouting anti-communalistic slogans and agitating for the abolition of caste, I have not a shadow of doubt, are themselves actuated by no better motives. I have no doubt your penetrating foresight and knowledge of Indian conditions would enable you to see through all this. All that I aim at is that under the cover of one slogan or the other the interests of the common villager who is illiterate, poor and helpless should not continue to be at the mercy of small

but organised, educated or wealthy castes and communities. Whatever evil there may be in the caste system, today the name of the caste itself enables us to find out with almost cent per cent accuracy the exploiters and the exploited. I do not request you to do anything more than this that the Congress resolution of 1942 and the Congress manifestos should not be forgotten and that they should remain the sheet-anchor of our policies towards the people, if we were at all serious when we declared ourselves in favour of a *Kisan Raj*. In my opinion it would be prudent on our part to smoothen, during the interregnum when the whole nation lies at our feet, the way of their coming into power. Any other policy would lead to unwholesome disillusionment which may take unpalatable shapes and forms.

With best regards,

Yours very sincerely,
Panjabrao Deshmukh

Dr. Rajendra Prasad
President, Indian National Congress
Wardha.

140. *From Jitendra Lal Goswami*

KARIMGANJ SUBDIVISIONAL CONGRESS COMMITTEE

Karimganj
Distt. Cachar, Assam
13 March 1948

Dear Sir,

The non-Muslim thanas of the Sylhet district which were, according to the British Cabinet declaration, due to be retained in Assam comprised an area of 1,400 sq. miles, with a population of six lakhs. But the Radcliffe Award gave away to Pakistan the whole of Sylhet district excepting a small slice of the Karimganj subdivision with an area of 700 sq. miles and a population of 3 lakhs. So India's claim over Sylhet was reduced by the Radcliffe Award to half the area due. Even then, the Leaguers of Pakistan Sylhet could not brook this small concession to India. It has been their constant endeavour to grab further areas of Karimganj by shifting the boundary line to their advantage and refusing to accept even the accepted name of the river Kushiara.

Soon after the separation of Karimganj (in a truncated form) from Sylhet, fantastic propaganda is being carried on by the Muslim League papers of Sylhet regarding the so-called oppression of the Muslims in Karimganj. We did not attach importance to these wild reports appearing in the Sylhet papers. But from the ceaseless outburst made by all the League papers against the Karimganj

Administration leads us to this inescapable conclusion that it is a planned propaganda, made as a justification for the ruthless suppression of the minority community in Sylhet, and also for future aggressive action against Karimganj. The trespass on the Patharia Reserve Forest by Pakistan is but the first step to a bigger venture. One test of the treatment received by the Muslims in Karimganj can be had from the fact that there is no exodus of the Muslims from Karimganj except the criminals. While the Hindus of Pakistan Sylhet are daily coming as refugees in the Cachar district in their thousands, the Hindus in Sylhet are literally being killed by inches.

1. Their houses are being burnt off and on as if in a systematic rotation.
2. Burglary in Hindu houses is also a very common feature.
3. Arms of the Hindus are being seized.
4. Bus and truck licences of the Hindus are being cancelled and the vehicles are also being seized in many cases.
5. Hindus are being denied all facilities for carrying business where Government help or approval is required.
6. Leading members of the Hindu community who worked for the retention of Sylhet in Assam during the Referendum are being arrested on flimsy grounds.
7. Income-tax and agricultural income-tax are being levied on the Hindus in a proportion 10 times higher than the last assessment.
8. Lands belonging to the Hindus are being forcibly possessed by the Muslims.

This catalogue though not exhaustive is illustrative of the nature of harassment to which the Hindus are being subjected in Sylhet.

Recently the *Jugaveri* (a Muslim League weekly of Sylhet) has published a report that the police of Karimganj defiled the Koran, shot a Muslim dead and flogged some Muslim women in an indecent manner in course of a search and arrest for the assault on a Forest Ranger. Such reports are likely to have a serious reaction in Pakistan against the minority community. It appears that some of the absconding offenders in the particular case have gone to Pakistan Sylhet where they have cooked up such myths for their co-religionists. No allegation was ever made by anybody regarding such police oppression here. One wire was sent by the Communists along with some Muslims alleging that one Muslim died as a result of police beating. It is worth mentioning that the Communists here are siding with the Muslim Leaguers and training them in the art of kicking up a row for all imaginary grievances. The S.D.O. however on receipt of this report immediately hastened to the spot and held a judicial enquiry and got the post-mortem examination done by the Subdivisional Medical officer. He took some leading Muslims in his company during the enquiry. All the local Muslims examined by the S.D.O. denied the report of police beating. No other allegation besides this was ever made by anybody. From this it will be evident that like many

other reports published by the League Press previously the one in question is also deliberately false and malicious.

Yours faithfully,
Jitendra Lal Goswami
Secretary

The President
All India National Congress
New Delhi.

141. *From Dr. Gopichand Bhargava*

Simla-E
March 15, 1948

My dear Babuji,

Kindly refer to your letter dated the 9th March 1948, respecting three Harijan members of East Punjab Legislative Assembly, who are said to have joined the Congress Assembly Party. Briefly, the position is this. The Secretary of the Congress Assembly Party telephoned to me that three Harijan M.L.A.s have joined the Congress Party. According to our rules, they can be admitted only by the Party. The Secretary is not competent by himself to do this. Either the proposal should be put before the Leader or the Executive Committee or the Party as a whole. The pledge forms were never sent to me. I have now asked the Secretary to send these to me. As soon as I receive the three pledge forms, I shall put the whole matter before the Party.

Yours sincerely,
Gopichand Bhargava
Premier, East Punjab

The Hon'ble Dr. Rajendra Prasad
President, All India Congress Committee
6 Jantar Mantar Road, New Delhi.

142. *From Govind Ballabh Pant*

Lucknow
March-16, 1948

My dear Rajendra Babu,

I have just received your letter from Wardha. I am sorry to learn that you still continue to be indisposed. I had hoped that the dry climate of Wardha and the welcome change in weather would have a wholesome effect. I still feel that if you could stay there for about a month perhaps there would be a marked improvement, but that is hardly possible in view of your multifarious

responsibilities and the tasks awaiting you in Delhi.

My boil was, more or less, simple. I have no tendency to diabetes and am now quite all right.

I was greatly concerned over Sardar's illness. I have been making enquiries and am relieved to find that he is making a satisfactory progress. I am intending to see him in Delhi today.

We have not yet been able to make any collections for the National Memorial Fund. No start can be made till we have received the receipts from the Central Office. I do not know when they will be available. The Committee has for the present elected a few office-bearers with Mrs. Naidu as President and Vichitrnarain as General Secretary. We hope that Vichitrnarain will be in our midst sometime by the end of this week.

With kind regards,

Yours sincerely,
G.B. Pant

Dr. Rajendra Prasad
Wardha.

143. To Dr. M.A. Rauf

Camp: Bajajwadi, Wardha
17th March 1948

Dear Dr. Rauf,

On receipt of your telegram I sent the following telegram to you:

REFERENCE YOUR TELEGRAM HERB IS KNOWN AS SARPAGANDHA IN
NORTH INDIA STOP DOCTOR BIDHAN ROY KNOWS IT HOPE CAN BE MADE
AVAILABLE IN CALCUTTA THROUGH AYURVEDIC PHYSICIANS

I hope you must have received by this time.

It was not clear from your telegram for whom you wanted the herb. It is available in my Province and I am asking friends there to send some to me to enable me to pass them on to you. But it may take time and I shall be glad if you will let me know your address where it may be sent.

I shall also be glad to have a line from you intimating to me the condition of your health.

Yours sincerely,
Rajendra Prasad

Dr. Rauf
India's Ambassador in Burma
Care Governor, West Bengal
Calcutta.

144. *To Govind Ballabh Pant*

Camp: Bajajwadi, Wardha
18th March 1948

My dear Pantji,

I have so often to worry you about matters in which really I should not concern myself; but the desire of friends sometimes becomes irresistible. I understand that in your Province the Chairman of a District Board is to be elected by the people of the district at large and not by members of the Board as used to be the case previously and is the case even now in my Province. It has therefore become necessary for the Provincial Parliamentary Board to nominate persons to become candidates on behalf of the Congress for chairmanship. There is going to be an election in the district of Balia and I have to mention to you Babu Murli Manohar who wishes to stand as a candidate. He has served the Province, the district and the country well in the past and may prove suitable for the District Board Chairmanship. I am writing this, however, without prejudice to the claims of any other candidate who may be in the field and whom I do not know.

Yours sincerely,
Rajendra Prasad

Hon'ble Pt. G.B. Pant
Premier, U.P. Government
Lucknow.

145. *To Shaikh Mohammad Jan*

Camp: Bajajwadi, Wardha
18th March 1948

My dear Shaikh Mohammad Jan,

I have received your letter dated 6th March and thank you for your promptly withdrawing your candidature at my request from the by-elections of the Bengal Legislative Assembly. It is true that I was told by some friends that your chances of getting elected were not very bright but Maulana Saheb had assured me that that was not so and so the real point which weighed with me was not this but another. I was told that setting up of a candidate by the Congress would create communal bitterness which I was anxious to avoid at all costs and I feel that a person like you who has the same object would not mind if in view of that consideration I asked you not to contest the elections. Your letter gives

interesting information that a non-Bengali Mussalman has won against the Bengali Mussalman by over a thousand votes.

Yours sincerely,
Rajendra Prasad

Shaikh Mohammad Jan, Esq.
80 Colootola St. (1st Floor), Calcutta.

146. *From Jawaharlal Nehru*

New Delhi
18th March 1948

My dear Rajendra Babu,

I enclose a cheque for Rs.2,500 as my personal contribution to the Mahatma Gandhi National Memorial Fund.

Yours,
Jawaharlal Nehru

Dr. Rajendra Prasad
1 Queen Victoria Road, New Delhi.

147. *From Hiralal Bose*

WORLD PACIFIST MEETING
(Santiniketan—January 1949)

1 Upper Wood Street
Calcutta-16
19 March 1948

Dear Dr. Prasad,

I am very grateful indeed for being able to see you last Tuesday in connection with the proposed World Pacifist Meeting. We were very encouraged to find that you were interested in the scheme, and it has made us more confident about the success of next year's meeting. The same day I telegraphed to Horace Alexander, who was in Delhi, to consult Pandit Nehru about it and I now quote with great pleasure excerpts from his reply, received today:

Your telegram came this morning. I am happy to tell you that I had already discussed the whole matter with Jawaharlal Nehru yesterday. He approves of our going forward with the plans, and I think he will try to spend a day at Santiniketan during the meeting if we invite him and if he can fit it in with other engagements.

So I hope Rajendra Prasad will be willing to give his name for the invitation and that all will now go ahead successfully.

No doubt Pyarelalji, to whom I am sending a copy of this letter, will be able to have further discussions with Panditji when he is in Delhi, which I believe will be early April. The object of my writing now is to let you know the reaction of Pandit Nehru and to enquire—now that he approves of our plans—if, as we have been hoping very much, you would be willing to give your name as an inviter and to become the Chairman of the Meeting. For we feel that the time factor is very important and the invitations should go out as early as possible. I enclose a copy of the letter written to you by Horace Alexander a few days ago, which perhaps has not been in your hand yet, and should be most grateful to have your consent, so that we can go forward with the plans. As soon as I hear from you I shall also arrange for my release from my employers, so that I can devote my full time for this work. I am also preparing a budget and expect to be able to send you a copy soon.

As Horace Alexander has left for England, communications may kindly be addressed to me or to the Secretary, World Pacifist Meeting, etc.

With respects,

Yours sincerely,
Hiralal Bose
Jt. Honorary Secretary

Dr. Rajendra Prasad
President, Indian National Congress
Bajajwadi, Wardha, C.P.

Enclosure not included.

148. To K.C. Neogy

Camp: Bajajwadi, Wardha
19th March 1948

My dear Kshitish Babu,

I have received a letter together with a scheme for the rehabilitation of Sindhis in the Bombay Presidency worked out by Mr. H.R. Batheja whom I have known for long years. He was in the Indian Education Service and retired some time ago as the Principal of the Patna College. He is an Economist of repute and has

drawn up a detailed scheme. He tells me that the Bombay Government was prepared to undertake the rehabilitation of the bulk of the Sindhi population which is migrating to India from Sind within the Presidency if the Government of India undertake to finance it but that the proposals of the Bombay Government have somehow or the other been turned down by the Government of India. I do not know anything more either about the scheme or the Government decision. The plan which Mr. Batheja has sent to me has been worked out with some order and aims at dividing the immigrant Sindhi population districtwise and settle them in different districts of the Bombay Presidency outside Gujarat. If you like I will send you the plan and shall be obliged if you could send me information about the latest Government decision regarding the Sindhis.

I am of course interested in the whole scheme of rehabilitation and shall be obliged if you kindly send me any plan which may have been worked out and which the Government proposes to give effect to. I was, for some days after Mahatma Gandhi's fast, working as the President of the Peace Committee in Delhi and I found as a result of the little experience that I gained that the question of maintaining peace was very intimately connected with the rehabilitation of the refugees and unless some steps are taken in that direction the position will become very difficult. I am, therefore, very keen that the plans should get into execution as soon as possible. I quite realise that the Government cannot act in a way in which an official or business society can act but this problem should be treated on the same basis as war measures and all avoidable delay should be eliminated. I know how hard you have been working and I should not like to encumber your heavy file with a correspondence of mine. My only regret is that my health has prevented me so far from being of any use to you.

Yours sincerely,
Rajendra Prasad

Hon'ble Sri K.C. Neogy
Minister for Relief & Rehabilitation
Government of India, New Delhi.

149. *To Jawaharlal Nehru*

CONSTITUENT ASSEMBLY OF INDIA

Bajajwadi, Wardha
19th March 1948

My dear Jawaharlalji,

I have been trying to study the draft Constitution. I find that there are provisions regarding the excluded and partially excluded areas inhabited by tribes which are of very great importance. Thakkar Bapa was the Chairman of

this Sub-Committee, appointed by the Advisory Committee, to investigate and make report on these matters. He is not however a member of the Constituent Assembly. I feel that it would be very desirable to have him in the Constituent Assembly because of his deep study and practical experience of the problems relating to the tribes and the scheduled castes. I have not consulted him, but I think he will have no objection to serve in the Constituent Assembly as a member if the arrangement can be made for his being returned to it in some vacancy. If you agree you might perhaps ask some of the provincial legislatures where vacancies may occur on account of the resignations of some of the Ministers who have been asked to resign from the Constituent Assembly to get him returned in one of such vacancies. I do not know of any vacancy at present, but I think it would be possible to find a vacancy for men like him.

Yours sincerely,
Rajendra Prasad
President

P.S. I understand that there are several vacancies in the States some of whose representatives have resigned. It is possible to get Thakkar Bapa returned from one of these places, as after all he is a man from Kathiawad and belongs to one of the States there.

Rajendra Prasad

Shri Jawaharlal Nehru
New Delhi.

Copy to Shri Thakkar Bapa.

150. To Sir B.N. Rau

Camp: Bajajwadi, Wardha
19th March 1948

My dear Sir B.N. Rau,

I have received a letter from the Prime Minister informing me that it is the desire of the members of the Constituent Assembly that they should have at least one month's recess after the legislative session is over before they meet again for considering the draft Constitution. The legislative session is likely to prolong till about the 10th of April. I am therefore of opinion that we might commence the Constituent Assembly session on Monday, the 10th of May. My idea is that we should have only one sitting a day either from 7 to 10.30 in the morning or from 4 to 7.30 in the afternoon. This will give us full 3½ hours everyday without interruption and will leave the members the whole of the morning or the afternoon free for study and for Party or Committee meetings. I shall consult them on the first day of the session and fix the hours according to their wishes. I

am writing to the Prime Minister also to this effect. We might formally announce the Constituent Assembly to commence on the 10th May but I would request you to contact the Prime Minister before finally announcing the meeting and issuing the formal summons to the members.

Some days ago I received some papers from the Assembly office one of which related to the resignation of a member from one of the States. In that connection I sent a note which might have been shown to you; but I think I had better inform you what I said in the note.

The position of the States has considerably changed within the last few weeks and by the time the Constituent Assembly meets, it is expected there will be other far-reaching changes. The draft Constitution has been framed on different assumptions and it may be necessary to alter the draft in view of the changed and changing circumstances. As I understand the position there are the following groups of States now emerging: (1) many States have become merged in Provinces as for example Orissa States and Chhatisgarh States, South Maratha States, some States in Madras and U.P.; (2) some States are integrating and forming separate unions of their own without becoming amalgamated with any existing Province; (3) some States will remain as autonomous units; (4) some States which have already constituted a Union may wish to join an existing Province of Indian Union as for example the Saurashtra Union may wish to join Gujarat Province and both may constitute an autonomous unit without either being merged in the other. I do not know the terms and conditions on which these combinations are being formed and how they will be represented in the Union Parliament. It is obvious that so far as the House of People is concerned they might get representation on population basis but the question of representation in the Council of States is not quite clear nor is it clear whether the Rulers have any position for representation anywhere. These are the various points I have in mind requiring consideration in view of the developing circumstances. I should like the whole question to be studied and a note prepared for consideration. It may be necessary to ask the Drafting Committee to review and revise the draft in the light of the changed circumstances. I shall be obliged for your comments.

I have already forwarded to you the telegrams received from Nawab Saheb of Bhopal. I hope you are already in communication with him. Please consult the Prime Minister also with regard to any States that you may have to take. As I have said, personally I have no objection to his proposal if you do not feel any hesitation in the matter.

Yours sincerely,
Rajendra Prasad

P.S. After the above was dictated I received your note along with the letter of some members of the Constituent Assembly re the date of the Constituent Assembly. I don't think that requires any change in the programme as indicated

above and so 10th may be fixed for commencement of the meeting of the Constituent Assembly.

Rajendra Prasad

Hon'ble Sir B.N. Rau
Constituent Assembly of India
New Delhi.

151. *To Jawaharlal Nehru*

Camp: Bajajwadi, Wardha
19th March 1948

My dear Jawaharlalji,

I have received your letter about the date of the next session of the Constituent Assembly for considering the draft Constitution. I have been thinking of having the session from the 3rd May but as you have said that the members would prefer a month's recess after the legislative session which is going to end on the 10th April, I propose to instruct the Constituent Assembly office to fix a meeting of the Assembly from the 10th May onwards. That would give us about a month and a half before the end of June. I am afraid we may not be able to finish the work by then as I had hoped we would do. But that would not matter much as it would mean prolonging the session till sometime in July if necessary.

I am putting down at least two months for the session. My idea at present is that in the hot season the most convenient time for the sittings would be either in the morning or late in the afternoon, that is to say, from 7 to 10.30 a.m. or 4 to 7.30 p.m. I do not propose to have more than one session of 3½ hours a day as members would require time for considering the draft and preparing themselves for the debate. They will also require time for Party and Committee meetings and if we leave either the morning hours or the afternoon hours free they would be able to do the work better.

I am not yet quite fit as, after you all left, as a result of the strain I had to undergo for the Conference, there was a set-back and have had some breathing difficulty but I hope I shall get over it soon. I am therefore unable at present to fix any time for my return.

Yours sincerely,
Rajendra Prasad

Hon'ble Pt. Jawaharlal Nehru
Prime Minister, Government of India
New Delhi.

152. *From Dr. Bidhan Chandra Roy*Calcutta
19th March 1948

My dear Rajendra Babu,

Your letter of the 10th instant.

You are perfectly right that the Ministers of a Provincial Government should not be members of the Constituent Assembly and as a decision on this point has been taken I am sure Prafulla Babu will act according to it.

When I was at Delhi last time, I was on the point of asking you about including another member in the Ministry but as you were ill, I did not think it desirable to trouble you. I had however spoken to Sardar Vallabhbhai Patel and Maulana Azad—two other members of the Parliamentary Committee—and they agreed to the proposal of inclusion of another member in the Ministry. Therefore, I do not think it was done without reference to the members of the Parliamentary Committee.

I want to be clear on one point. If a person represents the Congress in a particular Province and if it is found desirable by him to include another member in the Cabinet, is it essential that previous permission has to be obtained from the Parliamentary Committee? I want a clear ruling; I tried to find out what the rules in the Committee are with regard to this point but I failed to get any decision on the point. I had discussed this point also with Rajaji and I have made this addition because I found it essential to do so.

Yours sincerely,
B.C. Roy
Premier, West BengalDr. Rajendra Prasad
New Delhi.153. *From Dr. Bidhan Chandra Roy*Calcutta
19th March 1948

My dear Rajendra Babu,

In continuation of my letter which I have sent today, I would like to have a copy of the rules or decisions of the Parliamentary Committee with regard to the appointment or removal of a Minister from the Ministry in a particular Province. My view is that the Premier of a Province has not only the privilege but also the duty of selecting his own Ministers according to the needs of the Province. Next thing I would like to know is the personnel of the Parliamentary Sub-Committee

at the present moment. I do not know who is the President of the Committee now. I am informed that after the resignation of Acharya Kripalani, no Parliamentary Committee has been formed.

Yours sincerely,
B.C. Roy
Premier, West Bengal

Dr. Rajendra Prasad
New Delhi.

154. *From Dr. Sachchidananda Sinha*

CONSTITUENT ASSEMBLY OF INDIA

8 King George's Avenue
New Delhi
The 19th March 1948

My dear Rajendra,

I posted to you, I think, a letter to your address at Wardha, on the 4th before leaving Patna for Delhi on that date. I have been staying here in the hope that I might be able to meet you before I return to Patna, but the information published in the papers yesterday had been confirmed by Valmiki that you will not be returning to Delhi now till the first week of April. Accordingly, I have arranged to go back to Patna on Monday next, the 22nd, and after making a short stay at Allahabad for a couple of days to meet Sir Tej Bahadur Sapru I shall be arriving at Patna on the night of the 25th. I hope you may find time to send me even a short reply to this letter to my address at Patna telling me all about your health and welfare.

I have been gratified to learn that your health, which had become very weak (as reported to me by Raghunath Saran), has considerably improved and that you are now very much better. Now that the hot weather has set in, I hope you will continue in improved health. I have just received an official letter from the President, Bihar Provincial Congress Committee, telling me that you had been kind enough to appoint me a member of the Mahatmaji Memorial Committee for Bihar. I have written to the President thankfully accepting the seat on the Committee. I need hardly add that I shall do my best, as I did also as the President of the Kasturba Memorial Committee. Possessing, as I do, still marvellous powers of adaptability to environment, you will not be surprised to learn if I told you that I have now become an advanced Socialist, and in this new capacity of mine I have taken possession of your motor car, and have been using it daily for my work. When the Socialists secede from the Congress formally next month, I shall make an application to Jayaprakash to be elected the President of the new organisation. I wonder if you will support my application.

Lastly, I have attended a meeting of the Central Legislature after an interval of 27 years, as I last occupied a seat in the central body in March 1921, soon after which I was appointed a member of the Bihar and Orissa Executive Council. I came here with very high expectations, but my impressions of the present legislative body, the proceedings of which I have watched carefully for some three weeks, have been confirmed by several Ministers that the intellectual level of the Assembly is poor, as compared with what it was in the earlier times. However, as the Bihar representatives were practically conspicuous by their absence (there being only about half a dozen of them here) I made a very short speech on the cut motion about the question of merger of the States with Bihar. The time assigned to me was just five minutes but I finished my speech in four minutes. The Sardar Sahib is still lying ill and Mr. Gadgil, who deputised for him, did not even say that my suggestions would be considered, so like most human beings in this world I am going back to Patna a wholly disappointed man. Hence my desire to join now the Socialist ranks. I am enclosing herewith a copy of my speech.

Hoping to hear from you in reply in due course, and trusting all well, I remain with my blessings and good wishes,

Ever yours affectionately,
Sachchidananda Sinha

The Hon'ble Dr. Rajendra Prasad
President, Constituent Assembly of India
Bajajwadi, Wardha (C.P.)

Enclosure:

(Copy of speech by Dr. Sachchidananda Sinha)

Sir, I shall be very brief in my submission to you. I am profoundly grateful to you for permitting me to address the House sitting.

We are very sorry that the Honourable Minister for States is ill. We wish him speedy recovery, and I hope the Honourable Mr. Gadgil will convey to him our good wishes for his return to the House as soon as possible.

I am here today to bring to the notice of the Honourable Mr. Gadgil, who is representing the States Ministry, and also of the Honourable Members of the House, two grievances in regard to the Province of Bihar. These grievances are in relation to the States that had either merged, or were going to merge, or may ultimately merge in the Province of Bihar itself, or in the neighbouring Provinces, the Central Provinces on the one side, and Orissa on the other. There has been a long and an unfortunate controversy between these three Provinces; and I have not the least desire to add to the controversy by referring in detail to any unpleasant matters or incidents; but the dispute between Bihar and Orissa has already led to a serious riot, and a number of people had been killed. The States Ministry have now appointed a Bombay High Court Judge to act as the Commissioner or Arbitrator; and I understand that this learned Judge will soon

be going to adjudicate upon the matter. In view of that fact we shall wait until he comes to Bihar, or goes to Orissa, and we shall lay before him our grievances against what we consider to be the wrong action of the States Ministry in this particular matter, and we shall abide by his decision, whatever it may be. I may inform the Honourable Mr. Gadgil that in regard to both the grievances the Bihar Government have prepared elaborate memoranda, which have been formally submitted, I think, to the Secretary in charge of the States Ministry, and which memoranda, if he so desires, I shall be very glad to furnish him with.

In regard to the Central Provinces the matter stands thus. When many years back the partition of Bengal was effected by Lord Curzon, a number of Bihar States were allowed to be transferred from the jurisdiction of the Commissioner of the Chhotanagpur Division of Bihar to the jurisdiction of the Commissioner of the Chhatisgarh Division, in the Central Provinces. That has remained so far; but as no question of accession or merger arose till now the people of Bihar did not agitate about it. Now that the question of merger or accession is going to be settled we have submitted a memorandum showing that all these States, or at least as many of them as the States Department think it right and proper, should accede to Bihar, and the rest may go to the Central Provinces. Our position, I submit, is a very fair one. We follow the lead of the Honourable the Prime Minister who said yesterday at Vizagapatam that while he does not desire to encroach upon the rights of others he will not permit others to encroach upon our rights. We in Bihar take the same attitude in this particular matter, and I hope the Honourable Mr. Gadgil will consider my request reasonable and fair, which is that when this learned Judge of the Bombay High Court comes to investigate and record evidence, or in any way that he thinks it proper to decide the dispute between Bihar and Orissa, he may also be asked or authorised to settle the dispute between Bihar and the Central Provinces.

155. *To Govind Ballabh Pant*

Camp: Bajajwadi, Wardha
20th March 1948

My dear Pantji,

Many thanks for your letter dated the 16th March 1948. I am glad to learn that you are free from the trouble you had and are quite alright again. I am gradually improving, but, it seems I require rest here, which I hope to get now that the Constructive Workers' Conference is over and the members who had come here have gone back.

I am sorry for the delay in supplying receipts for the National Memorial Fund. Kripalaniji and Kumarappaji have both gone back to Delhi and I hope they have by this time been able to get the printed receipts and to despatch them.

'National Week' is coming and we are to utilise the 'National Week' for this

purpose this year. I am glad that you have made Mrs. Naidu the president, and Vichitra Narain the secretary. Vichitra Narain had a talk with me before he left two or three days ago. I was also very anxious about Sardar, but later enquiries removed the anxiety. I am informed that he is making steady progress.

Yours sincerely,
Rajendra Prasad

Hon'ble Pandit Govind Ballabh Pant
Prime Minister, Govt. of U.P.
Lucknow.

156. *To Dr. Gopichand Bhargava*

Camp: Bajajwadi, Wardha
21st March 1948

My dear Dr. Gopichand,

I have seen in the papers that the Akali Party has decided that its members in the Provincial as well as in the Central Assembly should join the Congress Party. I shall be obliged if you please let me know the exact position.

The other day, Maulvi Abdul Ghani came to see me here at Wardha. At that time the decision of the Akali Party was not known and his complaint was against the Ministry. He said that you are thinking of having a meeting of the Party at an early date. But I should not like anything to be done which might either create difficulty in your way or create discontent among others. My health does not permit me to come there soon. I hope that nothing will be done on your side to aggravate the situation.

Yours sincerely,
Rajendra Prasad

Dr. Gopichand Bhargava
Premier, East Punjab.

157. *From Dr. Sachchidananda Sinha*

8 King George's Avenue
New Delhi
The 22nd March 1948

My dear Rajendra,

Our letters have crossed. I posted to you a long letter on the 19th, and received the next day (I think) your exceedingly kind letter of the 19th. I am gratified to receive it written in your own hand, as it satisfies me that by the mercy of the

Almighty you are now in much better health than you were sometime back. I am glad you are staying at Wardha for some time longer, which will enable you, I am sure, to improve your health substantially. I am returning to Patna tonight, after having stopped at New Delhi for eighteen days. During this period I have attended the Parliament session daily, and have formed certain impressions and conclusions of its work, which I shall communicate to you in due course, either in a letter or when we meet.

Like you, I also feel that health permitting I should attend the concluding session of the Constituent Assembly, so that I may have the satisfaction of feeling that I had been able to bring to a close the work which I inaugurated in December 1946, although my active participation has been no better than that of the proverbial "fly on the wheel", but just as (in Milton's words) "they also serve who wait", I am anxious to attend the next session, although I feel that the climate of Delhi in May and June is bound to be very trying. I gather, however, that your work will probably go on till some time in August. If so, I shall certainly make an effort to come here sometime in July, by which time the rains will have cooled the atmosphere. I shall write to you again on this subject after reaching Patna on the 26th, and after hearing from you in reply about your own health. I shall be halting for two days at Allahabad to meet Sir Tej Bahadur Sapru who is unfortunately far from well.

Lastly, your Secretary, Valmikiji, has been of great assistance to me in more ways than one in conducting to my comfort and convenience; and your driver also has been very diligent in serving me. Trusting all well and hoping to hear from you, I remain, with my blessings and good wishes,

Ever yours affectionately,
Sachchidananda Sinha

The Hon. Dr. Rajendra Prasad Sahib.

158. *To K.S. Venkataramani*

Camp: Bajajwadi, Wardha
22nd March 1948

My dear Shri Venkataramani,

Many thanks for your letter dated 9.3.48 and for the cutting which you have been good enough to send me. It was more kind of you to have thought and said what is contained in it. The Committee of the Constituent Assembly has prepared a draft Constitution. It is based largely on Constitutions of other countries and I cannot claim that it has been framed on the basis of Gandhiji's teachings and ideas. The Constituent Assembly is going to meet in May to consider the draft. The idea is not to put off the framing of the Constitution longer than is absolutely necessary and by the time the draft comes up for consideration

people will have more than two and a half months for studying and offering suggestions. Its consideration will also take a pretty long time and in any case the new Constitution cannot be expected to come into force till sometime in 1950 even on this time-table. I do not know to what extent the Constituent Assembly would be able to change the draft to bring it in line with Gandhiji's ideas. It is so difficult to go against the current and, what is even more difficult, to resist against the accumulating prepositions and prejudices born out of familiarity with and study of existing systems.

I am afraid I have missed the letter dated 3.3.48 to which you refer. I left Delhi on the 3rd and came away to Wardha for the double purpose of a change for the sake of health and of attending the Conference of Constructive Workers. The Conference is over and I am gradually improving in health and it may be that on account of this change in the address the letter has been miscarried.

Yours sincerely,
Rajendra Prasad

Sri K.S. Venkataramani
Svetaranva Ashrama.

159. *To Dr. Sachchidananda Sinha*

Camp: Bajajwadi, Wardha
22nd March 1948

My dear Sir,

I have just received your letter dated the 19th March from Delhi. I wrote to you two or three days ago to Delhi. I hope that letter crossed yours and must have reached you before you left Delhi. I am making steady and slow progress and I am very much better now. I think my stay here will be helpful in restoring to full health and vigour.

I find from your letter that unlike many Socialists, advanced or otherwise, you have become a practical Socialist and if the Socialist Party has any appreciation of realities, it should welcome you as a practical Socialist and permit you to mould the party on such practical lines so that by the time the Socialist Party comes into power, every member will have possessed himself of something or other which may be useful to him and which he can get hold of with its owner's knowledge. Consent of the owner need not be presumed and if progress is made in that direction, they will have advanced one step further than you, because you were perfectly justified in assuming consent.

I have read the speech which you delivered in the Assembly and I understand the Prime Minister of Orissa will be in Bihar today to discuss the matter with the Prime Minister of Bihar. He was here in connection with the Constructive Workers' Conference and I had a talk with him. He seemed to be quite reasonable

and I do not know if anything can be settled amicably. In any case, the Judge is there to decide. I had a talk with the Prime Minister of C.P. and another Minister, Pt. Dwarka Prasad Mishra. They were also quite reasonable in the conversation, but I do not know what they will do when it actually comes to parting with the States which are claimed by Bihar. There is a difference between Orissa and C.P.: while there is some bitterness between Orissa and Bihar, there is not yet between Bihar and C.P. and I hope there will be nothing done on either side to aggravate the situation.

Yours sincerely,
Rajendra Prasad

Dr. Sachchidananda Sinha
Patna.

160. *To Dr. Gokul Chand Narang*

Bajajwadi, Wardha
22nd March 1948

Dear Doctor Saheb,

I have received your letter dated the 10th March and also a copy of the Resolution No. 8 passed by the Working Committee of the Hindu Mahasabha. It is not necessary for me to enter into a discussion with you and I content myself by thanking you for the cutting which you have been good enough to send me.

Yours sincerely,
Rajendra Prasad

Dr. Gokul Chand Narang
11 Sri Ram Road, Delhi.

161. *To Jagjivan Ram*

Camp: Bajajwadi, Wardha
22nd March 1948

My dear Jagjivan Babu,

I am sending you herewith copy of a letter I have received from Shri Thakkar Bapa and my letter to Sri Babu in that connection. I should like to know your views in the matter. Will you be able to find out quietly if the Government of India is likely to accept the recommendation of the Government of Bihar and appoint Shri Jaipal Singh as one of the Directors on the Damodar Valley Project Board and if he is prepared to accept it.

As regards the proposal to include the whole of Chhotanagpur in the list of

excluded areas which you have mentioned to me, I have been reading the draft Constitution and I find that the proposals therein, contained in schedule V regarding the administration and control of scheduled areas (pages 169-72), are such as practically to take away the power of the Provincial Government to deal with these. It seems, because of its drastic powers the area has been cut down only to Ranchi and Singhbhum districts, and the Latehar Subdivision of the Palamau district and Santhal Parganas district excluding the Godda and Deogarh Subdivisions (pages 175-76) and the rest of the Chhotanagpur division and the two subdivisions of Santhal Parganas have been excluded from the excluded areas. So the matter would require consideration. Kindly look into the matter also and let me know.

Yours sincerely,
Rajendra Prasad

Hon'ble Shri Jagjivan Ram
3 Queen Victoria Road, New Delhi.

Enclosures not included.

162. *From Jawaharlal Nehru*

New Delhi
22nd March 1948

My dear Rajendra Babu,

Your letter of the 19th March about Thakkar Bapa. His presence in the Constituent Assembly will, of course, be very useful more especially regarding tribes and backward people. I am forwarding your suggestion to our States Ministry.

Yours sincerely,
Jawaharlal Nehru

Dr. Rajendra Prasad
Bajajwadi, Wardha.

163. *To Dr. Bidhan Chandra Roy*

Camp: Bajajwadi (Wardha)
25th March 1948

My dear Dr. Roy,

Many thanks for your letter of the 19th March. I appreciate your kindness in not troubling me during my illness on the question about the expansion of the

Ministry. As regards the question of appointments to the Cabinets of the Provinces, it is for the Party to appoint a Leader and it is for the Leader to choose his colleagues. But, in all such matters, the Central Parliamentary Board has always been consulted. It is not without reason that this consultation is resorted to. In many cases, the help of the Parliamentary Board is sought for settling many matters, which can equally well be dealt with locally. Similarly, even when the Parliamentary Board does not interfere ordinarily, but its right is recognised and that right cannot be exercised unless it is informed beforehand. In the case of Bengal, as I see, the Congress President was particularly ignored on all occasions in quick succession. I felt that I should draw your attention to this matter. You did not consult me regarding the expansion and consulted Sardar Patel and Maulana Azad and there is an end of the matter. There was one thing which has been troubling me about this latest appointment and that is the inclusion of Shri K.S. Roy, who really belongs to Eastern Bengal and who has been representing in the Pakistan Assembly so long. I do not know if he had ceased to be a member of the Pakistan Assembly when his appointment was made. The trouble really arises because there seems to be some feeling even in Bengal. I will give you a quotation from a letter which I received addressed to me only on the 29th January and to which I have not yet replied. It is from Shri Kshitindra Nath Chaudhury, President, Rajshahi District Congress Committee. The passage occurs after a series of complaints about no support being given to minorities in East Bengal and it runs as follows:

Do you support the view that the Congress High Command would advise the people not to leave their hearth and home in Pakistan but at the same time they would remove their own families and properties from Pakistan to the Dominion of the Indian Union? Do you support the actions of the Congress High Command when they advise the people of East Bengal (Pakistan) not to leave their homes, but at the same time prominent members of the minority community of East Bengal are taken in the Cabinet of West Bengal Government (Dominion of the Indian Union)? What will the minorities of East Bengal do under the circumstances? To whom will they go for advice and guidance? Do you expect that even if the influential and important persons (both Congressmen and others) remove themselves with their families and properties to the Dominion of the Indian Union the minorities of East Bengal would live in Pakistan with their families in peace? Do you advise Mass Conversion or Mass Extinction?

It is difficult for me to answer these questions. I find that many of the prominent leaders of Eastern Bengal have not only made Calcutta their permanent residence, but have also identified themselves with the West Bengal Government and West Bengal in some capacity or other.

At the present moment, at the last meeting of the Congress Working Committee they put me in charge of the work formerly entrusted to the

Parliamentary Sub-Committee and left it to me to appoint my colleagues for the Committee. I have not yet made any appointments formally but I will do so after my return to Delhi. In the meantime, I shall carry on as best as I may. I am, however, constantly in touch with my colleagues on all matters of importance and unfortunately Sardar Patel cannot be troubled at the present moment.

Yours sincerely,
Rajendra Prasad

Hon'ble Dr. B.C. Roy.

164. From Parkash Chandra

New Delhi
March 27, 1948

Price Bhargava paid for Leadership

Dear Sir,

I hope this must have already come to your kind notice: what is happening in East Punjab. Today's papers report that Dr. Bhargava has come to Delhi to consult the Congress High Command regarding the reshuffling of his Cabinet. In this connection, I most humbly lay down the following few lines for your kind information.

Due to his anti-national activities, Dr. Bhargava has today forfeited the confidence of the majority of the Province. Those who know 1937/38/39 politics of the Punjab, can well understand that he is a mere puppet in the hands of the Akalis. This is that he is able to elect himself as Leader of Congress Party with the help of a handful of Akalis.

Bhargava has done what Akalis alone could not do. The whole Province has been completely 'Sikhanised' and Lala Sachar along with his colleagues is most justified to raise his voice against this injustice to the majority of the Province. The people of the Punjab always disliked this fellow, but Congress High Command always imposed him upon their heads. Today, Dr. Bhargava is the most hated man in that Province in view of his anti-national policy, and always keeping his personal interest in his mind.

The population of the Province is 80% Hindu and 20% Sikh. But I challenge Dr. Bhargava to disclose the composition of the services and rehabilitation. All key posts in the Province today are in the hands of Sikhs. For example:

1. All heads of all Departments are Sikhs.
2. Vice-Chancellor is a Sikh.
3. Advocate-General is a Sikh.
4. Director of Rehabilitation is a Sikh.

5. Director of Agriculture is a Sikh.
6. Minister of Rehabilitation is a Sikh.
7. The Police and Home Guards are composed of 90% Sikhs. (S. Swaran Singh, Akali, has done it.)
8. Inspector-General of Police is a Sikh.

Similar is the condition in the districts of the Province where all key posts are held by Sikhs who are highly communal-minded. In short, the Sikhs today form 90% of all services in the Province though they form 20% of the population. No Sikh Dal has been banned as was R.S.S. This is a favour done by Bhargava to please his Sikh colleagues.

These are the causes that Hindus are made to leave the Province as in every case Sikhs receive priority. Illiterate and ignorant people are induced to become Sikhs. In Ludhiana, one Mr. Bachan Singh refused to allot houses to Hindus unless they added 'Singh' at the end of their names and become Sikhs. This is not an isolated example. Now, Sir, imagine what these poor people could do; either to become Sikh or to leave the Province. They are not afraid of Pakistani invasion or of Sikh communalism. But how could they stay? This conversion has been going on since the period of rehabilitation started, and it is not far when you will not find a Hindu worth the name there.

In villages, the Akalis are coercing the low-caste Hindus and Harijans to become Sikhs. Threat is sword and economic boycott. (*Sword/kirpan sanction is a suicidal clause in the Constitution.*)

Every Hindu has become desperate in view of this policy. Now, kindly see: is Bhargava not responsible for all this? Today he stands as a traitor in the eyes of the whole Province. It is now for the Congress High Command to see the situation in its true perspective. Bhargava has forfeited his right to remain as Chief Minister of the Province, and the right course for him is to retire from provincial politics. The true story should not be muddled by naming it personal jealousies or petty differences. We the people of the Province are watching the whole situation with great anxiety and our last hope is Congress High Command. Will you people rise to the occasion? If the Congress now lets down the Hindus and other national-minded Sikhs in the Province at this critical moment, either by imposing such persons upon their heads or making the whole Province a communal camp (i.e., slicing it off as the Akalis desire) there is every possibility of their going to opposite camps, may those be socialists, communists or even communalists.

It is now for the Congress to answer the question.

Yours most obediently,
Parkash Chandra

Dr. Rajendra Prasad
President, Indian National Congress
1 Queen Victoria Road, New Delhi.

165. *From Shankarrao Deo*

ALL INDIA CONGRESS COMMITTEE

7 Jantar Mantar Road
New Delhi
27 March 1948

Dear Rajendra Babu,

I tried to contact you on the phone yesterday and today but was told that there was no response from Wardha. I do not know why. Shri Bhimsen Sachar had been to me yesterday morning and told me that he was anxious to see that if the reconstitution of the Ministry takes place the whole Party should be treated as one and selection should be made without any consideration of groups or voting in the election of the leaders. I think if it is possible this should be done. I do not know whether any reconstitution is taking place but I am sure if it has to be done it will be done with previous consultations with you. You must have also read report of the meeting there. Dr. Gopichand Bhargava is re-elected. There is no doubt that but for the Panthic Party's support his position was very weak. I do not know what will be the effect on the politics and the administration of the Province by the Panthic Party joining the Congress. It was so communal in outlook and it could not have shed all its communalism in a day. If necessary and if you think proper you will write to Dr. Gopichand Bhargava, if you have not already done so. Sardar, owing to his ill-health, is not available for any consultation.

I saw today the names of the Committee of the Sarvodaya Samaj. It is on the lines that we decided at Wardha. I hear that Vinobaji is coming with a few friends to Delhi to take up the work of relief and rehabilitation of the refugees. I think this will have good effect and it will give a fillip to the work and mobilise all the constructive strength and talent of the Congress and all the constructive workers in the country.

I hope your health is improving and you will be perfectly well before you return to Delhi. We are anxious to have your advice in the work of the Congress organisation of the Office as well as the programme.

Yours sincerely,
Shankarrao Deo

Dr. Rajendra Prasad
Bajajwadi
Wardha.

166. *From Jawaharlal Nehru*

New Delhi
27th March 1948

My dear Rajendra Babu,

You will remember that I issued an appeal for the Prime Minister's National Relief Fund on January 24. In this appeal I had suggested a Committee for this fund consisting of:

The Prime Minister,
The President of the Indian National Congress,
The Deputy Prime Minister,
The Finance Minister,
A representative of the Tata Trustees,
A representative of Industry & Commerce to be chosen by the Federation of Indian Chambers of Commerce.

It was my intention to organise widespread collections for this fund. But within a week of this appeal Gandhiji was assassinated. Soon after the question of raising a memorial fund for him came before the public. Because of all this no effort has been made at all to collect money for the Prime Minister's Relief Fund. Nevertheless contributions have come. Some of these came even before the appeal was issued. The total amount received up to date amounts to about Rs.7,47,000. Out of this, Rs.11,000 earmarked for Kashmir relief has been paid for to the Kashmir Relief Fund. Many of the other contributions have also been earmarked for special purposes. Rs.5,000 has been given by me to Shri Jairamdas Doulatram for relief work.

Apart from this the only other expenditure has been on postage, stationery, etc., and Rs.50 a month as allowance to the clerk who keeps accounts.

I have received a request from Dr. Choithram Gidwani of the Sind Provincial Congress Relief Centre in New Delhi for a grant of Rs.50,000 for the welfare of refugees from Sind. This is to be applied to Sind refugees not only in Delhi but in other parts of India also. I am sending him a cheque for this amount.

I hope that it might be possible to hold a meeting of the Committee a little later to consider how the money collected should be spent. There is no immediate hurry for this.

Yours sincerely,
Jawaharlal Nehru

Dr. Rajendra Prasad
1-Queen Victoria Road
New Delhi.

167. *To Abul Kalam Azad*

Camp: Bajajwadi, Wardha
27th March 1948

My dear Maulana Saheb,

After the telephone talk I had with you the other day, I had requested Shri Krishna Ballabh Babu to come and see me here in connection with the Zamindari Acquisition Bill in Bihar and he came here to see me today. The present position is this. The Bill which was introduced in the Assembly some months ago was referred to the Select Committee and the Select Committee made its report sometime ago. The report of the Select Committee was presented to the Assembly on the 28th February. The third reading of the Bill will begin on the 30th March and the clauses of the Bill will be considered one after another. The Assembly will, it is expected, pass the Bill in a few days after the 30th. The question is whether at this stage the Ministry can postpone consideration of the Bill. There is a strong feeling amongst the members, as also among the public at large, that further progress of the Bill should not be delayed. The Central Parliamentary Board had on a previous occasion convened a meeting of the Revenue Ministers from the various Provinces, and although I had not then taken over charge as the President, I presided over the Conference which you also were good enough to attend for some time. The decision of the Conference was that the Bills should be proceeded with and it was after the Conference that the Select Committee in Bihar sat and with certain amendments prepared its report. So much about the position.

As regards the merits of the Bill, I suppose everybody now accepts the position that zamindari should be abolished and even the zamindars, more or less, have reconciled themselves to it. The only question is about the compensation and the method of paying it. The Bihar Bill has made provision for payment of compensation. The total amount of it, it is calculated, will come to something like 130 crores, maybe even 140 crores. That has to be paid partly in cash and partly in bonds which will be negotiable and bear interest at $2\frac{1}{2}\%$ per annum. As far as I can judge, the Bihar Government has got no cash nor, I am afraid, will it be able to get any cash assistance from the Government of India unless you all could persuade the Finance Minister. On the face of it, it is rather hard on the bigger zamindars that they should get three times their net income as compensation. The net income is arrived at by making certain reductions on account of revenue and collection charges, etc., etc., which comes nearly to about 50% of their gross revenue so that the compensation in their case will come only to $1\frac{1}{2}$ times their present gross collections. The Select Committee made certain changes which favoured the smaller landlords whose scale of compensation has been increased and who have got also a large concession by being allowed to split up their income as members of a joint family and thus bring the income of each member of the family within the scale which pays a higher rate of compensation. This has,

on the one hand, added considerably to the Government's liability and added the same amount to the compensation which will be payable to the smaller zamindars. Thus, according to the previous calculation, when the rate payable was lower in the case of the smaller zamindars and the splitting of their incomes was not allowed, the total compensation payable was calculated to be something like 63 or 64 crores. As a result of this Select Committee's amendment, the compensation payable has become more than double and is now calculated to be something between 130 and 140 crores. All this increase will go to zamindars whose income is below 4 lakhs and they will also get something additional from what is taken away from those whose income is more than 4 lakhs, because the minimum payable before was five times the net revenue on incomes of over 50,000. Now it has been reduced to 3 times on incomes of over 4 lakhs, while the compensation payable on incomes between 50,000 and 4 lakhs varies between 7 times and 3 times. The net result of the Select Committee's report has been that the smaller landlords have good reason to be satisfied, but the bigger landlords have no reason to become more dissatisfied than they were before. But, the number of zamindars who will come in the category of zamindars having more than 4 lakhs on which only 3 times will be paid as compensation will be very small. They will practically be only the six States of Darbhanga, Bettiah, Dumraon, Hathua, Ramgarh and Ratu which would be hit. According to the Bill, as reported by the Select Committee, the total compensation payable to these six States will come to something like 2 crores and 31 lakhs roughly.

I think the Maharaja of Darbhanga is still there. If you could have a talk with him in the presence of the Revenue Minister, perhaps some way could be found without postponing the Bill to give these six landlords some satisfaction. So far as I can judge, if they are thinking of having the Bill altogether dropped, that will not be possible either for the Ministry or for any of us to do. So the only relief that they can get can be about the compensation. The Bill has tried to give higher compensation to the smaller people and the amount will be distributed amongst a large number of smaller zamindars.

At one stage the Select Committee had resolved to fix a ceiling and not to allow more than 25 lakhs as compensation to anyone whatever his income from his zamindari might be. When Sardar went to Patna, he objected to the ceiling put, and so that ceiling has been dropped. If that had remained, the Maharaja of Darbhanga, whose net income came to, say, 25 or 30 lakhs a year, could not have got more than 25 lakhs as compensation. The Bill, as it now stands, will give 75 lakhs or 90 lakhs according as his net income is found to be 25 or 30 lakhs. Similarly, the other five zamindars will also get larger amount than what they would have got if the ceiling of 25 lakhs had been maintained. I am mentioning all these points for your consideration, so that in the course of conversation, you may be able to point out what has been done so far.

I received a telegram from the Maharaja of Darbhanga two or three days ago in which he complained that another Bill was going to be introduced raising the rate of agricultural income-tax. The Bill has not yet been introduced, but it has

been published and is likely to be introduced in April. The effect of this Bill is likely to be to raise the Government's revenue from the agricultural income-tax from 30 lakhs to near about 50 lakhs, that is to say, an additional 15 to 20 lakhs. You might talk about this matter also with Krishna Ballabh Babu.

Yours sincerely,
Rajendra Prasad

P.S. There is another aspect of the acquisition of zamindari problems which requires to be considered from the point of view of the Government. I understand from Krishna Ballabh Babu that he has in mind a plan to pay up the amount on account of compensation at present in negotiable bonds carrying interest at $2\frac{1}{2}\%$ per annum. The Government will go on paying as also a portion of the principal due on the bonds each year and will thus pay up both principal and interest in 30 years. Interest on 130 crores will be $3\frac{1}{4}$ crores and if, say, about three crores are paid every year towards principal, the Government will have to pay about 6 crores. Government expenses on account of collection etc. will be about another 3 crores per year. Thus the Government will, within six months of the Act coming into force, incur an annual liability of at least nine crores. They calculate that the rent and other incomes derived from all zamindaris in Bihar comes to about 16 crores a year and they calculate that the Government will be making a profit of 6 or 7 crores a year after meeting the interest and sinking fund charges and renting the cost of collection etc. This calculation is based on the assumption that there will be no reduction in the rent payable by tenants for at least thirty years, that the rent payable by tenants will be realised from year to year without fail, that there will be no demand on the part of the tenants for reduction of rent or for remissions on account of bad seasons as in ryotwari areas where partial or total remission is allowed for various reasons. My fear is that all these assumptions are wrong. There will be a very strong demand on the part of the tenants not only for reduction of rent but for a total abolition of rent and the Government will not be able to resist it. The Economic Committee of the All India Congress Committee recommended and the A.I.C.C. at its last meeting accepted the recommendation that rent should be abolished and should be replaced by agricultural income-tax. That means that no agriculturist will be required to pay rent, but he will have to pay income-tax like other people having income from other sources. People with small incomes are exempted from the tax. If the present rates of exemption of 2,000 is allowed to agriculturists also as is done to others, then all agriculturists, whose net income is less than 2,000 a year will be free from income-tax also. My idea is that nearly 95 per cent of the agriculturists of Bihar have net income of less than 2,000 a year and thus 95 per cent of the agriculturists will be free from the tax. If this is accepted and rent is abolished, the Government will get a very small amount from agricultural income-tax which will not be able to pay even one-fifth of the interest and principal on the bonds every year. It will be a very serious matter for any Government to issue bonds which it will not be able to

redeem. I do not think the Provincial Government has any other source of income to meet this heavy liability of 6 crores a year. After the A.I.C.C. resolution I do not think the Provincial Government will be able to resist the demand for abolition of rent. This applies to all Provinces where there is zamindari, and has to be considered. I do not consider it right or honest to take away the zamindaris today on the promise that compensation will be paid, and then after a short time to turn round and say that because rent is being abolished, the compensation which had been promised at the time of the acquisition cannot be paid. I have always apprehended that the Government will find it most difficult in the present atmosphere to realise the whole amount of rent. Many zamindars are unable to realise it now. The tenants will not easily pay to the Government and its coercive process for realisation will make the demand for abolition more urgent.

The Bihar Bill lays down that all zamindaris will automatically be acquired in six months of the Act coming into force, and the zamindar will be eliminated. The tenant will not get remission or reduction in rent. In fact there is no programme yet ready for giving any kind of relief to the tenant. The only change, so far as the tenant's position is concerned, is that instead of paying the same rent to the zamindar or his tahsildar, he will have to pay it to the Government tahsildar who can enforce payment without going to court by the simple method of issuing a certificate. My fear is that there will be great discontent almost immediately against the Government which cleverer among the idle zamindars will instigate and encourage. This will make realisation progressively more difficult and resistance to abolition of rent impossible.

I have added this long postscript as the question affects not only Bihar but all other Provinces where zamindari has to be abolished like the U.P., Bengal, and the C.P. where no Bill has yet been introduced, and Madras where a Bill is being considered at present by a Select Committee.

Rajendra Prasad
28.3.48

Hon'ble Maulana Abul Kalam Azad
19 Akbar Road, New Delhi.

168. *To Jawaharlal Nehru and Vallabhbhai Patel*

Camp: Bajajwadi, Wardha
28th March 1948

My dear Jawaharlalji/Vallabhbhai,

I am herewith forwarding you a copy of the letter which I have addressed to Maulana Saheb* in connection with the Acquisition of Zamindaris, which is now

pending in Bihar Assembly. I would request you to read it as it contains certain important points in this connection.

Yours sincerely,
Rajendra Prasad

*See Dr. Rajendra Prasad's letter to Abul Kalam Azad dated 27th March 1948.

169. *From Dr. M.A. Rauf*

Indian Embassy
Rangoon
29th March 1948

My dear Dr. Rajendra Prasad,

I am very grateful to you for your letter of the 17th March, which has just arrived. I was going to Calcutta to bring Mahatmaji's ashes to Rangoon. I met Thakin Nu to complete arrangements for the reception of the ashes, and he asked me to find out the name of the drug you had mentioned to him. He has some relations suffering from high blood pressure, and he wanted to try the medicine on them. At Calcutta I met Dr. Bidhan Chandra Roy, and he confirmed the value of Sarpagandha in such cases, but he said that it was not necessary to use the herb in its original form but that some Calcutta firms had prepared a liquid, which was very efficacious. It is known as 'Raulfia Serpentina'. Accordingly, I brought two bottles of it and have handed them over to Thakin Nu. I need not, therefore, trouble you any further in this matter as further supplies can be arranged through chemists.

2. I am very grateful to you for your enquiry regarding my health. I am keeping well. I hope you and Mrs. Rajendra Prasad are both in good health.

Yours sincerely,
M.A. Rauf

The Hon'ble Dr. Rajendra Prasad
6 Jantar Mantar Road, New Delhi.

170. *From Shankarrao Deo*

ALL INDIA CONGRESS COMMITTEE

7 Jantar Mantar Road
New Delhi
29 March 1948

Dear Rajendra Babu,

I just now learned that you have gone to Bombay due to the illness of your brother's wife. I hope she will be soon all right and this sudden trip to Bombay

will not affect your health adversely. I was very glad to learn from Chakradhar Babu over the phone that you were progressing well and were thinking of coming to Delhi by the 15th April. I hope your health will permit you to keep up to this programme because your presence here, as I have said in my last letter, is quite necessary, besides the Government work, for the Congress work also. I met Dr. Bhargava here and he was to come to Wardha to meet you on the 31st but now as you have gone to Bombay it will not be possible for him to meet you because the Punjab Assembly is in session. He wanted to consult you about the reshuffling of the Punjab Ministry and about the affairs there. I think this is quite necessary before the reshuffling takes place.

I got your letter with the copy of the letter that you have sent to Maulana. Shri Krishna Ballabh Sahay brought it himself. But he could not see me because I had no previous knowledge of his coming today. Chakradhar Babu had told me on the phone that he was coming to Delhi yesterday. He had met Krishna Kripalani who told him that he was very anxious to see me before he left for Patna by 1 o'clock today. Anyhow he was not able to see me. I have seen your letter and I think the consideration of the Bill should not be postponed for any reason now, and as far as the zamindars are concerned, as you say in your letter, barring the few big who could afford to suffer a little, if it can be called a suffering, for the poor, and the Government should help the Congress to that extent. As for the great number of small zamindars, sufficient has been done for them. I hope in spite of Maulana's advice which I learn was to postpone the consideration of the Bill for some time, the Bihar Ministry will proceed with the Bill.

You must have seen in the Press about the formation of distinct groups, with programme and pledge, in the Congress Legislative Parties in the Punjab and in Madras, and they have come out publicly with their declarations about their Party and the necessity of forming such groups. Whatever may be the necessity of frank and full discussion of the problems that come before the Party, I do not think that a controversy in public carried on by groups within the Party will help the cohesion, solidarity and smooth working of the Party. The discipline of the Party will be undermined and the Government will suffer ultimately. I think this tendency must be nipped in the bud. I would request you to write personally to the two leaders, viz., Shri Bhimsen Sachar and Shri Vydyanathan of Madras, who is a member from Madurai; and also I think you should make a public statement about the matter so that members of the Legislative Parties in other Provinces may take note of it.

The A.I.C.C. office is beginning slowly to function here and I hope before you return it will be in full working order.

I again hope that your sudden visit to Bombay, which generally does not suit your health, will not cause any set-back in your health and also your brother's wife will soon recover.

Yours sincerely,
Shankarrao Deo

Dr. Rajendra Prasad.

171. *From Hiralal Bose*

Calcutta
29 March 1948

RAJENDRA PRASAD
CONGRESS PRESIDENT
BAJAJWADI WARDHA

MY INTERVIEW AND LETTER 19TH NEHRU APPROVES PLANS WORLD PACIFIST
MEETING PRESIDENT CAN INCLUDE YOUR NAME AS SIGNATORY INVITATION
LETTER KINDLY CONFIRM

HIRALAL BOSE

172. *To Shankarrao Deo*

Camp: Bombay
March 31, 1948

My dear Shankarrao,

I am glad to receive your letter. I came here all on a sudden on account of the serious condition of my sister-in-law. There is some slight improvement but her condition is not at all hopeful. I am, however, going back to Wardha on Thursday by the Nagpur Mail and I propose to stay there till the 15th and reach Bombay on the 17th by plane. I am improving and I am glad that so far I have not had any appreciable bad effect on my health in Bombay.

I got a telephone message from Lala Bhimsen Sachar yesterday enquiring when he and Dr. Gopichand could meet me and where. I told him that I would be reaching Wardha on Friday the 2nd. I told him also that if they came to see me, it would be well to ask you also to come because I feel that your presence would be necessary and helpful if any question arose that required a decision from me.

As regards the formation of parties within the Congress Party in Provincial Legislatures, we shall talk it over and then issue a statement or write to the Provincial Parties what may be considered necessary. The difficulty at the present moment is that there is no opposition party worth the name in most of the Provincial Legislatures and some opposition party is necessary for parliamentary government of the type we have. But this is a matter about which we shall talk before I say anything definitely and publicly.

It was only three or four hours after Shri Krishna Ballabh Sahay had left Wardha that I got the telephone message that brought me here. I do not know exactly what happened in Delhi but I suppose that he has sent a note to me which I shall get in due course.

I am taking advantage of my presence here to meet some people in connection with the Gandhi Smarak Fund this afternoon. It was announced in the papers

that I would be inaugurating the Smarak Fund somewhere during the National Week. I have not made any programme of that sort for myself, but if I feel that I should take it, I propose to ask the G.P. province [sic] to utilise me for that purpose. But, anyhow, it all depends on how I keep hereafter.

Yours sincerely,
Rajendra Prasad

173. *From Vallabhbhai Patel*

1 Aurangzeb Road
New Delhi
31st March 1948

My dear Rajendrababu,

Thank you for your letter of the 28th March 1948 regarding abolition of zamindari in Bihar.

2. Krishna Ballabh Sahay was here. He had a talk both with Maulana Saheb and Panditji. He saw me also, so did Maulana Saheb, but in my present state of health I am afraid I could hardly make any contribution to the discussion. If all of you feel that it would be best and in the interests of Bihar to continue the Bill, Bihar Government can do so.

3. I hope you are feeling better. I am still confined to bed though doctors have permitted my bed to be taken outside in the lawn. I hope, if all goes well, I will be able to move about, at least in the house, after about a fortnight.

Yours sincerely,
Vallabhbhai Patel

Dr. Rajendra Prasad
Bajajwadi, Wardha.

174. *From T. Prakasam*

Govt. Camp House
Mount Road, Madras
31st March 1948

My dear Dr. Rajendra Prasad,

I am leaving Madras tomorrow night for Bezwada and from there I am going on a tour into the much disturbed Hyderabad border areas. I shall report to you

soon after I return from there. I requested Sardar Vallabhbhai Patel to come here before he was taken ill. He could not come here because of sudden illness. I am requesting you to come over here at least for a short while to know the state of affairs here. I shall not say more at this juncture.

With kind regards,

Yours sincerely,
T. Prakasam

CORRESPONDENCE

PART II

1. *From Vallabhbhai Patel to B.G. Kher*

New Delhi
8 January 1948

My dear Kher,

I have received from Jawaharlal a copy of your letter dated 15 December 1947 regarding the R.S.S. [Rashtriya Swayamsevak Sangh]. I am rather surprised to read paragraph 2 of that letter referring to the proceedings of the Prime Ministers' Conference convened by me in November last. You will recall that it was considered that the reports of the activities of organisations like the R.S.S. were somewhat exaggerated and that it was not necessary to take such a serious view of this matter. It was also agreed that where any Province felt that any action was necessary it could take it; on the other hand, your letter seems to suggest that we have not taken any action whatsoever and that there is dilatoriness at the Centre.

Yours sincerely,
Vallabhbhai Patel

Shri B.G. Kher
Prime Minister, Bombay.

2. *From Jawaharlal Nehru to Vallabhbhai Patel*

New Delhi
11 January 1948

My dear Vallabhbhai,

You must have received my letter with a note [reproduced below] some days ago. I suggested that we might meet at Gandhiji's place for a further talk on this subject. If you could suggest some time convenient to you I shall fix it up with Bapu. I understand that you will be going away for some days to Bombay and Ahmedabad. I think it would be desirable for this meeting to take place before your departure.

Yours,
Jawaharlal

The Hon'ble Sardar Vallabhbhai Patel
1 Aurangzeb Road, New Delhi.

(Jawaharlal Nehru's note of 6 January 1948 to Mahatma Gandhi)

The recent correspondence between Sardar Patel and me has raised import-

ant issues of vital consequence; and yet the origin of that correspondence related to a relatively minor matter.

2. It is true that there are not only temperamental differences between Sardar and me but also a difference in approach in regard to economic and communal matters. These differences have persisted for a large number of years, ever since we worked together in the Congress. Nevertheless, in spite of these differences, there was obviously a very great deal in common in addition to mutual respect and affection and, broadly speaking, the same national political aim of freedom. Because of this we functioned together during all these years and did our utmost to adapt ourselves to each other. If the Congress came to a decision, we accepted it, though there might have been a difference in implementing it.

3. Our political aim having been more or less achieved, the other questions, on which we have differed to some extent, come more and more to the forefront. At the same time crises face the country which make it incumbent on all of us not to stress the differences but rather to emphasise the points of agreement and to cooperate in the face of these crises. So far as the economic and communal matters are concerned, we are bound down by Congress policy and decisions, and both of us, as well as other Congressmen, must necessarily work in accordance with them. On the communal issue, the Congress standpoint has been clarified recently. On the economic issue, the broad lines of policy have been laid down and, no doubt, further details will soon follow. The Cabinet will have to consider these matters soon. We have delayed too long already in laying down an economic policy and this has led to differing interpretations and statements by Ministers.

4. We may therefore, for the moment, leave out of consideration these important matters and come down to the immediate issue. This issue essentially relates to the functions of the Prime Minister. It is something much more than a personal issue and it should be considered, therefore, as a question of principle, whoever the Prime Minister might be.

5. As I conceive it, the Prime Minister's role is, and should be, an important role. He is not only a figurehead but a person who should be more responsible than anyone else for the general trend of policy and for the coordination of the work of various Government Departments. The final authority necessarily is the Cabinet itself. But in the type of democratic set-up we have adopted, the Prime Minister is supposed to play an outstanding role. This, I think, is important (again quite apart from personal factors), as otherwise there will be no cohesion in the Cabinet and the Government and disruptive tendencies will be at work.

6. Speaking for myself, I have at present two functions to perform in government. As Minister for External Affairs, I function like any other Minister and my Ministry is like any other Ministry. As Prime Minister, however, I have a special function to perform which covers all the Ministries and Departments and indeed every aspect of governmental authority. This function cannot be easily defined and the proper discharge of it depends a great deal on the spirit of cooperation animating all the parties concerned. Inevitably, in discharging this

carry on as a mere figurehead and much harm may be done to the services as well as to the public at large by the enunciation of contradictory policies by Ministers.

11. This is the background. But whatever the theory may be, practical difficulties continually arise. Normally speaking, the best way out of these difficulties would be for some rearrangement in the Cabinet to be made which would cast the responsibility on one person more than anyone else. In the present set-up this means that either I should go out or that Sardar Patel should go out. For my part, I would greatly prefer my going out. Of course this going out of either of us need not and should not mean any kind of subsequent opposition. Whether we are in or out of Government we remain, I hope, not only loyal Congressmen but loyal colleagues, and we will still try to pull together in our respective spheres of activity.

12. Nevertheless, there can be little doubt that if either of us goes out at the present juncture it would create a sensation both nationally and internationally, and the consequences may not be good. At any time this position would have to be faced; but at the present juncture, with the Kashmir issue and the great problem of rehabilitation facing us, not to mention the States and the growth of communal organisations in India, any such parting of ways may well have very serious consequences affecting the good of India. None of us wants to do anything which may be at all injurious to the national good, even though our views of the national good may differ somewhat. After having given very serious thought to this matter during the last fortnight I have come to the conclusion that as far as possible we must avoid, at this particular juncture, any parting of ways in Government. We are too much in the transitional stage and a serious shake-up of Government may well lead to an upsetting of the apple cart. I think that we should carry on for some months more till the Kashmir issue is more clarified and other problems have also been tackled to some extent. The way to do this must be the fullest consultation about every important matter. At the same time I do feel that the Prime Minister's function, as defined above, must be appreciated.

13. If, however, this is not considered possible, then the only alternative left is for either me or Sardar Patel to leave the Cabinet. As I have said above, I consider this an undesirable alternative in the present context, and I have come to this conclusion as objectively as possible. If someone has to leave, I repeat, I would prefer to leave.

14. Latterly there has been a growing tendency towards a lack of cohesion in the various Ministries and Departments of Government. This has resulted in members of the services also being affected. This is unfortunate and, in any event, has to be countered, for if the Cabinet and Government do not work jointly, all work necessarily suffer and a psychology produced in the country which comes in the way of cooperative working.

15. Probably before very long we shall have to consider a refashioning of the governmental set-up in the sense of introducing Deputy Ministers, Parliamentary Secretaries and the like. It may be desirable to put certain Departments in charge of Deputy Ministers, each group of such Deputy

Ministers being under the supervision of a Minister. This would make the real Cabinet a somewhat smaller body. However, this can be seen to later. At the present moment the allocation of portfolios is not a very logical one and some are very heavy indeed.

16. The States Ministry is a new Ministry which has to deal with vital questions. If I may say so, it has dealt with these questions thus far with remarkable success and surmounted the many difficulties that are continually arising. I feel, however, that many decisions have been taken involving matters of principle without any reference to the Cabinet. For my part I agree with those decisions; but it seems to me a wrong procedure for these decisions to be taken without reference to the Cabinet or to the P.M. Being a new Ministry, it functions naturally outside normal procedure. To some extent this is inevitable and quick decisions have to be taken. But an attempt should be made to bring this functioning within the terms of our ordinary procedure.

17. Before the Constituent Assembly meets, or sometime during its next session, we have to come to some decision regarding our general economic policy. The problem of rehabilitation may well be tied up with this policy.

3. From Vallabhbhai Patel to Jawaharlal Nehru

New Delhi

12 January 1948

My dear Jawaharlal,

Thank you for your letter of 11 January 1948 regarding your note to Gandhiji.

I am sending herewith a copy of my note which I am sending to Gandhiji. I am sorry I could not deal with this matter earlier as I have been away most of the time. During the short time that I was here I was virtually snowed under with work.

You can fix up with Bapu for a discussion any time that suits you. I shall be leaving for Bhavnagar and Bombay on the morning of 15 January 1948.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Pandit Jawaharlal Nehru
17 York Road, New Delhi.

Enclosure:

(Vallabhbhai Patel's note to Mahatma Gandhi)

I have carefully read Jawaharlal's note sent to you, a copy of which was sent to me.

2. There is no disagreement on the existence of temperamental differences and different outlook on economic matters and those affecting Hindu-Muslim relations. Both of us, however, place the interests of the country above these personal differences and, aided by mutual regard, respect and love for each other, have cooperated in a common endeavour. Through our joint efforts we have weathered many a storm that beset us and despite such differences we have got over one of the most critical phases in the history of any country or any government. It is painful and rather tragic to reflect that we cannot carry this any further, but I fully realise the strength of feeling and conviction behind the Prime Minister's stand as regards his own position.

3. I have tried my best to appreciate what he says on that subject, but howsoever much I have tried to understand it on the twin basis of democracy and Cabinet responsibility, I have found myself unable to agree with his conception of the Prime Minister's duties and functions. That conception, if accepted, would raise the Prime Minister to the position of a virtual dictator, for he claims "full freedom to act when and how he chooses". This in my opinion is wholly opposed to democratic and cabinet system of government.

4. The Prime Minister's position, according to my conception, is certainly pre-eminent; he is first among equals. But he has no overriding powers over his colleagues; if he had any, a Cabinet and Cabinet responsibility would be superfluous. In my view the Prime Minister, as the Leader of the Party and the Head of the whole Administration, is inevitably concerned that Cabinet decisions are effective and that there is no conflict between one Ministry and another. But the entire responsibility for implementing the policy of Government rests upon the Ministers and Ministries under them which are concerned with the subject matter of the Cabinet decisions. He has accordingly the right to ask for information from the Minister concerned as well as the right to consult and advise on the lines of policy to be adopted and even the manner in which the policy is to be implemented. But the responsibility for the implementation of the policy must be that of the Ministry concerned and of the Minister in charge, and the Prime Minister should influence action by way of consultation with and advice to the Minister. I feel sure that this position of the Prime Minister not only fully safeguards his pre-eminence and makes him an effective Head of the Administration but is also fully in accord with democratic principles and rules of Ministerial and Cabinet responsibility. This is also, as far as I have been able to ascertain, in accord with the U.K. practice.

5. The incident of Iengar's visit to Ajmer was not the immediate cause of the whole matter coming to a head. If the Prime Minister will recall, it was on the issue of Gopalaswami's telegram to the East Punjab Government authorising the loan of motor vehicles to the Kashmir State that he gave expression to his view that Gopalaswami should be given full latitude in helping in Kashmir matters and took a stand which meant that the States Ministry should virtually submit not only to the Prime Minister personally dealing with issues arising out of the Kashmir situation (this was already in force) but also to other Ministers having a

finger in the pie while the Ministry which was normally concerned should be at best a repository of information as and when it was given.

6. Nor is Iengar's visit the only matter in which I had to point out to the Prime Minister the inadvisability of a course which he had taken without even consulting me. Several occasions in the past few months—since 15 August—have given rise to similar correspondence. In some the Prime Minister had extended to me the courtesy of informing me beforehand of the action he intended to take and I had tendered my advice in favour of or against the proposed course of action as seemed to me appropriate. If even the tendering of advice or the pointing out of the inadvisability of a course of action or the submission that a particular matter fell within my responsibility proves irksome or irritating to the Prime Minister and interferes with the exercise of his functions, the position is one which is wholly inconsistent with a democratic system of government.

7. As regards Iengar's visit to Ajmer, I regret I am unable to share the Prime Minister's view of its nature or its consequences. Iengar went to Ajmer, inspected various places, received deputations and conferred with officials and non-officials; the public mind is bound to associate it with an inquisition. The Chief Commissioner took it in that light and stated that the public also felt it as such. It was not that I did not want anyone to go. When the Prime Minister mentioned to me that he wanted to go, I promptly agreed that he should go. I did not come to know of Iengar's visit in substitution of the Prime Minister's until after Iengar had returned. I should have been glad to depute for the Prime Minister if he had asked me; as I wrote to him, any other Minister could have been asked to go. But to send an official was, in my submission, hardly likely to be interpreted otherwise than in the manner in which it was taken by the public and the Chief Commissioner. The question is not whether the Prime Minister was entitled to take this step or not or whether he is not to be the judge of the propriety of the action but whether I, as a Minister, was wrong in pointing out to him the inadvisability of the course he had taken and the probable consequences it entailed.

8. A reference has also been made to the functioning of the States Ministry. I cannot recall any one instance in which I have taken any decision of major policy without the approval or confirmation of my colleagues. The only instance in which I anticipated a Cabinet decision was that of the merger of Orissa and Chhatisgarh States; subsequent confirmation of my action practically without discussion upholds my judgement in anticipating it. The matter was obviously such that the postponement of the decisive act would have been fraught with serious consequences and would have let slip an opportunity which would have perhaps recurred only after considerable patience, toil and trouble to all concerned.

9. The Prime Minister has also referred to his preference for leaving office if mutual accommodation cannot be secured. I maintain, however, that if anybody has to go, it should be myself. I have long passed the age of active service. The

Prime Minister is the acknowledged leader of the country and is comparatively young; he has established an international position of pre-eminence for himself. I have no doubt that the choice between him and myself should be resolved in his favour. There is, therefore, no question of his quitting office.

4. *From A.K. Ghose to Dr. P.C. Ghosh*

116 Vivekananda Road
Calcutta
12th January 1948

Leader,

I enclose herewith a communication from twenty-five members of the Party addressed to me with a request to communicate the same to you to the effect that in the emergency which faces West Bengal today, they are of opinion that the present Ministry should be reconstituted under the leadership of Dr. B.C. Roy. I have also been asked by some of these members to arrange to convene a meeting of the Party tomorrow the 13th January 1948 to consider this matter.

In view of the urgency and importance of the matter, I also feel that the meeting should be called immediately.

A.K. Ghose

P.S. Four other members have also communicated to me their agreement with the views of the aforesaid 25 members.

A.K. Ghose

Hon'ble Dr. P.C. Ghosh
Prime Minister, West Bengal,
and Leader, Congress Assembly Party.

Enclosure:

(Communication from twenty-five members of the West Bengal Congress Assembly Party)

12 January 1948

The Leader,
West Bengal Congress Assembly Party.

In view of the emergency which faces West Bengal today, we consider it essential that a strong and broad based Ministry should function in this Province,

and we are therefore of opinion that the Ministry should be reconstituted under the leadership of Dr. B.C. Roy.

1. D.N. Mukerjee
2. Jadabendra Nath Panja
3. Annada Prosad Mandal
4. Kanai Lal Das
5. Iswar Chandra Mal
6. Rajani Kanta Pramanik
7. Nikunja Behari Maiti
8. Charu Chandra Mahanty
9. Radhanath Das
10. Sukumar Dutta
11. Bepin Behari Ganguli
12. Hemanta Kumar Basu
13. Pramatha Nath Banerjee
14. Satis Chandra Chakravarti
15. Harendra Nath Dolui
16. Nishapati Majhi
17. Shyamapada Bhattacharjee
18. Arabinda Gayen
19. Satish Chandra Bose
20. Bimal Chandra Sinha
21. Niharendu Dutt-Majumdar
22. Bimal Comar Ghose
23. Anandi Lal Poddar
24. Kuber Chand Halder
25. Ashutosh Mallick

5. *From Jawaharlal Nehru to Vallabhbhai Patel*

17 York Road
New Delhi
13 January 1948

My dear Vallabhbhai,

Thank you for your letter of 12 January which I received today together with the note which was enclosed with it. I can quite understand how terribly busy you must have been since your return from Jammu.

2. I hardly think it is worthwhile my attempting to write another note on the subject. Having indicated our respective viewpoints to some extent, the only thing that remains is for us to discuss this matter with Bapu.

3. I should like to say, however, that I still find a considerable difference in

your appreciation of the P.M.'s position and mine. There is no question, of course, of the P.M. or anyone else being a dictator. So far as I know, the position in practice in the United Kingdom is in consonance with what I have suggested.

4. I fear it is not possible to fix up a meeting and discussion with Bapu before you leave for Bhavnagar. In any event it would be improper to put an additional burden on him just now when he is fasting.* I mentioned this matter to him and he said that we might postpone the discussion for a little while till certain immediate and urgent issues had been dealt with. Meanwhile, of course, Bapu's fast overshadows other matters and we shall have to wait for developments. As soon as the opportunity arises I hope we shall be able to fix up a meeting with Bapu.

Yours,
Jawaharlal

The Hon'ble Sardar Vallabhbhai Patel
New Delhi.

*It was alleged in some quarters that the fast was undertaken by Gandhiji to persuade the Government of India to make a payment of Rs.55 crores to Pakistan out of the cash balances, after partition. This is not borne out by the statements issued by Gandhiji at the time.

6. *From Vallabhbhai Patel to Mahatma Gandhi*

13 January 1948

Poojya Bapu,

I have to leave for Kathiawad at seven this morning. It is agonising beyond endurance to have to go away when you are fasting. But stern duty leaves no other course.

The sight of your anguish yesterday has made me disconsolate. It has set me furiously thinking.

The burden of work has become so heavy that I feel crushed under it. I now see that it would do no good to the country or to myself to carry on like this any more. It might even do harm.

Jawahar is even more burdened than I. His heart is heavy with grief. Maybe I have deteriorated with age and am no more any good as a comrade to stand by him, and lighten his burden. The Maulana (Azad)* too is displeased with what I am doing and you have again and again to take up cudgels on my behalf. This also is intolerable to me.

In the circumstances, it will perhaps be good for me and for the country if you now let me go. I cannot do otherwise than I am doing. And if thereby I become burdensome to my lifelong colleagues and a source of distress to you and still I

stick to office, it would mean—at least that is how I would feel—that I let the lust of power blind my eyes and so was unwilling to quit. You should quickly deliver me from this intolerable situation.

I know it is no time for argument while you are fasting. But since I can be of no help even in ending your fast, I do not know what else there is for me to do. I therefore earnestly beseech you to give up your fast and get this question settled soon.

It may help even remove the causes that have prompted your fast.

Yours sincerely,
Vallabhbhai Patel

*Maulana Abul Kalam Azad: leading Muslim Divine; staunch nationalist from Khilafat days; Congress President, 1939-46; Member, Constituent Assembly; Education Minister in Nehru Cabinet.

7. From B.G. Kher to Vallabhbhai Patel

Bombay
13 January 1948

My dear Sardar Sahib,

I have received your letter of 8 January.

My letter which you have referred to was sent in reply to the Prime Minister's letter dated 7 December in which he had expressed some concern at the way the activities of the R.S.S. were handled by the Provincial Governments. I hope you have seen it also. I felt that in my reply I should, while pointing out that the question had been discussed at the conference called by you, also mention how the discussion disclosed a difference in the views of Provinces in this matter.

On the other point made in my reply, I find that the minutes of the conference mention that a circular should be issued by the Central Government warning Government servants that it was contrary to Government Servants' Conduct Rules to participate in the activities or to become members of the Rashtriya Swayamsevak Sangh. On enquiring with the departments concerned I learnt that no circular on the point had been so far received. There is no suggestion that the Central Government had not taken any action whatsoever and/or that there was dilatoriness at the Centre in the letter.

Yours sincerely,
B.G. Kher

The Hon'ble Sardar Vallabhbhai Patel
New Delhi.

8. *From Dr. P.C. Ghosh to Dr. Bidhan Chandra Roy*

8 Theatre Road

Calcutta

14 January 1948

My dear Dr. Roy,

On the 12th afternoon I received the following signed note from 25 members of the Congress Assembly Party:

In view of the emergency which faces Bengal today, we consider it essential that a strong and broadbased Ministry should function in this Province, and we are therefore of opinion that the Ministry should be reconstituted under the leadership of Dr. B.C. Roy.

I feel that the majority wants you as the Leader of the Party. I am, therefore, resigning my leadership and consequential resignation from the Cabinet will follow. Party meeting, as you are aware, has been called to be held tomorrow at 11 a.m. where your election as Leader is certain. In this critical time, I feel that you should take the responsibility immediately as I shall not be able to function effectively after tomorrow. I need hardly stress that effective functioning is essential at this juncture. May I, therefore, request you not to proceed to Delhi today, but assume immediate responsibility. I would like to be relieved from the 16th.

I wish you all success as the Premier of West Bengal.

With thanks,

Yours sincerely,
P.C. Ghosh

P.S. A line in reply is solicited.

Dr. B.C. Roy
36 Wellington Street.

9. *From the Secretary, Government of Bihar, to mining lease holders in Bihar*

Patna

The 15th January 1948

Subject: Employment of Biharis by the holders of mining concerns in the District of Singhbhum.

Sir,

I am directed to bring to your notice the provision of the Provincial

Government's new mineral policy that mining lease will not in future be granted to any person/firm unless he/it is willing to make all non-manual appointments on the recommendation of a Board to be constituted by the Government. They have come to this decision because of the frequent complaints that Biharis in general, and local people in particular, do not get suitable appointments. It is true that such a term is not embodied in the existing leases held by them, but Government desire to impress on you the desirability of giving effect to this policy of Government. I am to request that you will be good enough to report to Government what action you take on this letter.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.)

Secretary

10. *From Raja Bahadur Kamakhya Narayan Sinha to Mahatma Gandhi*

20 January 1948

Your Honour,

I beg most respectfully to place the following facts before Your Honour for your kind consideration.

1. That your humble memorialist is the Raja Bahadur of Ramgarh, an Estate in Hazaribagh with an income of some sixteen lakhs of rupees a year and an area of over five thousand square miles.

2. That your humble petitioner has come to know through the Press and some reliable sources that the Hon'ble Revenue Minister of Bihar, Mr. Krishna Ballabh Sahay, to regain his firm footing in the Hazaribagh district which has been utterly shaken by the prevailing public opinion against him is gathering false and flimsy materials to take the Estate under the Court of Wards and thus take revenge on your humble memorialist for the defeat of his followers in the last District Board election at Hazaribagh.

3. He has been holding some poorly attended meetings in the district of Hazaribagh having resolutions passed by a handful of his followers to the effect that the Raja of Ramgarh is committing anti-social acts and that his Estate should therefore be taken over and managed by the Court of Wards. He perhaps, in his personal capacity, thinks that the recent gift of forest property worth a crore of rupees made by your humble memorialist in favour of his tenants is an anti-social act though the gift which having been given through the Panchayat system was appreciated by no less a person than the Hon'ble Pandit Jawaharlal Nehru, the Hon'ble Premier of India, who was graciously pleased to congratulate your humble memorialist on the gift as follows: "*I am glad to learn that the*

Maharaja of Ramgarh has declared that the forest rights in the district of Hazaribagh will henceforward vest in his tenants. That is the right step and so also the reorganisation of the Panchayat system. I congratulate the Maharaja on this wise decision." The gift was widely appreciated by the Press throughout India and specially by the people of Hazaribagh who held a number of meetings to congratulate your humble memorialist on the same.

4. And what is still more repugnant, some of his followers are taking through ration officials signatures in blank sheets from people of various classes within the district of Hazaribagh telling the signatories that the signatures are for applications for additional pieces of cloth and are using thumb impressions and signatures thus obtained for the purpose of maligning your humble memorialist before the Government of Bihar and for persuading the Government to take over the Estate of your humble memorialist under the Court of Wards.

5. That the party of the Revenue Minister being defeated at Hazaribagh by a political party called the Kisan Forward Bloc supported by your memorialist in the recent District Board election is not only using his influence to withhold the publication in the Bihar Gazette of the names of the successful candidates but has also been trying to do injuries to your memorialist in various ways unbecoming of his position as a Minister of State in Free India and one such injury that has recently entered his head is to collect some resolutions and petitions with the help of his followers in support of a plea that your humble petitioner who has effected several distinct and notable improvements in the management of the Ramgarh Estate, who has added to the property of the Estate and increased its revenue, and whose popularity in the Estate and support from his tenants have been more than demonstrated in the aforesaid election of the District Board of Hazaribagh, is not fit to manage the Estate.

6. That His Excellency Sir Thomas Rutherford, sometimes Governor of Bihar, was pleased to remark as follows about the administrative capacity of your humble memorialist at a special Darbar held at Padma at the time of the conferment of the hereditary title of Raja Bahadur to your humble memorialist:

So far as I am aware, *the Raj has been singularly free from serious tenancy troubles.* The Estate, which covers an area of over 4,500 sq. miles, is fortunately impartible and, owing to the development of valuable coal-fields *and proper control of its forests*, has greatly increased in wealth and importance. The holders of the Estate have sometimes been Maharaja, sometimes Raja, and when he came to the Gadi the personal title of Raja Bahadur was conferred on the present holder. Having looked into the history of his family and *seen that the Raja Bahadur lived no life of ease and pleasure but devoted himself to the efficient management of his Estate; that he freely met and listened to his tenants;* having observed in the place a good family life and every indication of his son being a worthy successor to the title, I decided to recommend to His Excellency the Viceroy that the title of Raja Bahadur should be made permanent and hereditary. I am very glad

that the Viceroy was pleased to accept my recommendation. *I congratulate the Raja Bahadur on this recognition of his own worth and the importance of his family in its Estate*, and because of the esteem in which I hold him it gives me all the more pleasure to have been able to present the Sanad in the presence of his people.

I am endeavouring to persuade him to come forward more into *active public and political life, not only as representative of his own order, but on behalf of those less fortunate than himself; and I trust that the administrative experience he has gained in the administration of his great Estate, and his character* will carry him some day to a position of wider responsibility. There is much to be done for the villagers of Bihar and much they should be guided to do for themselves. The landholders of the Province have a magnificent opportunity to give a lead and I hope the Raja Bahadur will be one to do so and thus win still greater esteem among his fellowmen and further recognition from his sovereign.

7. That the zamindari system in Bihar is soon going to be abolished and the step contemplated by the Revenue Minister to take over the Ramgarh Estate under the Court of Wards on the pretence of any anti-social act of your memorialist only bespeaks of personal malice on the part of the aforesaid Revenue Minister who has been a tenant and an enemy of the Estate for a fairly long time.

8. That the Revenue Minister Mr. Krishna Ballabh Sahay has been spreading through his journal called *Chhotanagpur Darpan* all sorts of false and malicious propaganda against your humble memorialist and after having passed some pseudo-resolutions in some improvised meetings is having them printed in the official Congress organ of Bihar called *Searchlight*.

9. That your memorialist is the senior son-in-law of the Nepalese Ambassador in New Delhi; was given during the last World War the hereditary title of Raja Bahadur; that he was duly elected a member of the Bihar Legislative Assembly from the Landholders constituency of the Province of Bihar and he is also a member of the Select Committee on the Bihar State Acquisition of Zamindari Bill which is now on the anvil and has been helping the Committee in coming to its decisions to the best of his ability; that he was for some time the President of the Bihar Provincial Hindu Mahasabha and that there could possibly be no honest question of his ability to manage his own Estate which he is managing with ability since he attained majority or of his doing any act which anybody could without malice call anti-social.

[10.] That in Free India propaganda of this type engineered by [a] Minister of State against any individual is not only reprehensible by itself but it deteriorates public morals, saps into the moral foundation of society, and is therefore highly anti-social itself.

[11.] That your memorialist subscribed fairly to the Congress session of the year 1940 as [a] sympathiser and bore in fact all expenses of the Congress pandal

and a plebiscite as between him and the Revenue Minister under the present circumstances will amply demonstrate who among the two is more popular in Hazaribagh which happens to be the constituency of Mr. Krishna Ballabh Sahay, the Hon'ble Revenue Minister of Bihar.

Under the circumstances your humble memorialist prays that in the interest of himself as also of good public morals the Minister in question be advised to desist from such anti-social steps as are mentioned above, as these are likely to bring down the prestige of the Government of Bihar as a whole and of the Indian National Congress itself throughout the Dominion of India.

I have the honour to be,

Sir,

Your most humble memorialist,
Kamakhya Narayan Sinha

Mahatma Gandhi
Birla House, New Delhi.

11. *From Ranbir Singh Mehta to Mahatma Gandhi*

New Delhi

29th January 1948

Respected Bapuji,

I will venture to place before you the conditions prevailing in East Punjab, particularly in the Jullundur Division. Being an elected representative in the local Provincial Assembly, I take it as my duty to do what I can to straighten the affairs there. At the same time I will venture to submit that the Congress High Command is also responsible to a great extent for political situation in East Punjab.

The background will enable you to a great extent to rightly appreciate the situation. On the formation of the East Punjab Province the Congress Party in the Assembly unanimously decided in July last to empower the High Command to appoint a Party Leader. Consequently Doctor Gopichand Bhargava was appointed and was accepted by every member of the Party. When the time came for the formation of the Ministry, he co-opted Leader of the Panthic Party in the Cabinet. Later on another Akali was added to the Cabinet. I regret to say that the principle of coalition between the Congress and the Panthic Party was not placed before the Congress Party for discussion. Hence, the present Coalition Ministry is a result of the Leaders' deliberations. The exclusion of the Party in accepting the Coalition Ministry in the Province had its pernicious influence on the Party disciplines. The Ministry does not consult the Party in any public affair. The two Leaders decide between themselves all public matters. Thus the Party machine is completely ignored in East Punjab.

A.I.C.C. in its meeting in November last condemned the communal organisations, including Siromani Akali Dal. In my humble opinion the Coalition Ministry in East Punjab is irreconcilable with that Resolution. At the same time, the Congress members in E.P. Assembly cannot overlook the fact that the approach to current problems, some of them are very complicated indeed, by the Panthic Party and the Congress Party is in sharp conflict. Whereas the Congress does not want the re-union of India and Pakistan, or, if they want it, they want it through the process of love and trust, the Panthic Party, under which garb the Akali Party is functioning, wants this union by use of violence. At the same time, the Akali Party hardly loses an occasion to show their contempt for the Congress and thus bring down the name of this great political organisation. Under the circumstances, one keenly feels this unholy alliance of two irreconcilable Parties in the Provincial sphere of administration. I will venture to remind you that you boldly expressed yourself against Shri Subhas Chandra Bose when his method of achieving the same goal as you had came in conflict with the fundamental principles of your life. More or less, the present coalition in the E.P. Cabinet is a combination of conflicting ideologies. This being so, we expect you to disapprove of the present Coalition Ministry and thus save the Province from the present distressing plight.

I can assure you that the Akali Party has not become nationalist overnight. Finding their influence with the masses fast declining, they will commit another somersault soon. After 'Quit India' Resolution of 1942, Akalis left Congress and openly joined reactionary forces. They helped recruitment and preached the support of British Government. It would not be a surprise for me if the Akali Party declared their intention of re-joining the Congress with a view to rehabilitating themselves in the estimation of the masses and continuing to stick on to the political power they have managed to regain by coalition with the Congress. They are inherently communalists. Now that the Congress Party in the E.P. Assembly is in absolute majority (53 against 23 in the Panthic Party), there is no evading their responsibility for the good government of the Province.

I will respectfully suggest to you that the Congress High Command should be persuaded to place the full responsibility of the good government of the Province on the shoulders of the Congress Party alone.

Yours respectfully,
Ranbir Singh Mehta

12. *From J.C. Gupta to Dr. Bidhan Chandra Roy*

29 January 1948

Dear Leader,

I am sending some suggestions in writing as desired by you in the last Party meeting.

(1) In my opinion, the Prime Minister, instead of being without any portfolio, should have the Development portfolio. Development programmes, to be effective, need coordination of various departments which can be done properly by the Prime Minister.

(2) A meeting of the Congress Assembly Party should be called immediately to adopt the constitution drafted by the Sub-Committee.

(3) There should be a Standing Committee of the members of the Congress Assembly Party for each Department. When necessary the Standing Committee may co-opt experts regarding matters under consideration.

(4) Before a new policy is decided upon or any change in the policy is contemplated, it should be discussed in the Congress Assembly Party which should meet whenever any policy or important decision is taken by the Ministry.

(5) Proceedings and prosecutions for bribery, corruption and black marketing etc., should not be stayed or dropped without a discussion in the Party.

I believe the above is the sense of the Party so far as I have been able to gather. I feel that I must also acquaint you with what I have gathered to be the sense of the Party since the change of the Ministry.

(1) I believe the majority of the members of the Party are opposed to the inclusion of outsiders in the Ministry and particularly against the inclusion in the Ministry of persons without, what I may call, the Congress mentality, that is, those who have not been associated with the Congress nor have shown in the past full sympathy with the Congress cause and ideals.

(2) The majority of the members feel that non-Congress individuals, however great and talented, cannot adequately serve the Congress cause and the people.

(3) The principal reason for choosing you as the Leader was that you did not belong to a group, but the feeling now is that you are bringing in people who would be your group and thus, instead of doing away with groups, will add another.

(4) Having regard to the size of the Province, an increase in the number of Ministers is disliked by many members of the Party though I am not certain whether that is the view of the majority of the Party.

(5) I don't know if you are aware that already there is a move to change the present Ministry which will certainly bring disgrace to the Party and to Bengal. I would, therefore, request you to meet and discuss at a meeting of the Congress Assembly Party and ascertain their views, in order to avoid trouble if not a debacle.

With kindest regards,

Yours sincerely,
J.C. Gupta

13. *From J.C. Gupta to Dr. Bidhan Chandra Roy*

4 February 1948

Dear Dr. Roy,

May I remind you about my letter dated 29th January? I know you are frightfully busy with many problems and a great calamity has intervened, which may be the cause of delay in discussing the points raised and of convening any Party meeting.

Non-consultation of Party members beforehand has been the principal reason for the fall of the last Ministry which began in more favourable circumstances than your Ministry. May I request you not to proceed with further expansion of the Ministry until a discussion in a Party meeting or at least the Party executive?

With kindest regards,

Yours sincerely,
J.C. Gupta

14. *From Dr. Bidhan Chandra Roy to J.C. Gupta*

PERSONAL & PRIVATE

4 February 1948

My dear Joges,

Thanks for your letter of the 29th and of date. As you are aware, no Party meeting can be held until the Party members are here in Calcutta. I have considered the points raised in your letter of the 29th, to most of which I agree.

You have hinted in both these letters about probable attempts at changes in Ministry even before this Ministry has had a chance to settle down to work.

The question of formation of Ministry, the number and personnel, was left to me as Party Leader to decide. I have done so and when the Party meets, they will know my decision and will no doubt, if they so choose, discuss them and their decision will prevail.

Yours sincerely,
B.C. Roy

15. *From Vallabhbhai Patel to Jawaharlal Nehru*

New Delhi
6 February 1948

My dear Jawaharlal,

Thank you for your letter dated 5 February 1948.

Regarding banning of the R.S.S. in the States, we have already sent telegrams

to all the bigger States, including Bharatpur and Alwar, to take parallel action in their own territories. I expect many of them will follow our advice. We can deal with those who do not, later.

I have been preparing the ground for action against Alwar and Bharatpur for some time. I am sure you will appreciate the difficulties in taking any hasty and drastic action against them. One holds a prominent position in the Jat community, and the other is a Rajput State. I, therefore, wanted to take action only after I had rallied round myself the support of the Princes themselves. We are well on the way to enlisting this support in respect of Alwar. Bharatpur I have already been able to calm down as a result of personal contact and discussions. After Alwar is settled, Bharatpur should be a comparatively easy problem. My intention is that as soon as we have got these two States under our influence, and, if necessary, under our control, we would be able to unearth all that has happened and the part which the State and its officials have taken in various crimes.

As regards the open-air Gita classes started by the R.S.S., I am having enquiries made. I doubt if it will be possible to interfere with these Gita classes if they are held in private buildings or on private lands, but I have asked the D.I.G. to make enquiries and to see that our men are there to report to us what exactly happens there.

I agree with you that we should ban the Muslim National Guards and Khaksars. We might mention this at the Cabinet meeting tomorrow. In the meantime, I am asking the Home Ministry to be ready to take necessary action on getting the word from me after the Cabinet meeting.

You would also be interested to know that I have today issued instructions to prepare legislation for prohibiting drilling, parades, camps and wearing of semi-military uniforms. Such legislation would be necessary to implement our decision regarding the banning of private armies.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Pandit Jawaharlal Nehru
New Delhi.

16. *From Vallabhbhai Patel to Jawaharlal Nehru*

New Delhi
6 February 1948

My dear Jawaharlal,

I am sending herewith copy of a secret report which I have received.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Pandit Jawaharlal Nehru
New Delhi.

Enclosure:

(Copy of a secret report)

The Socialist Party, it is generally gathered, have decided to exploit the situation created by this tragedy [Gandhi's assassination] to gain power both in the Congress organisation and the Government. The Socialists had refused a seat offered to them by Dr. Rajendra Prasad in the Congress Executive. After this tragic event they are keen on having three or four seats in the All-India Working Committee. A camera meeting of all the prominent Socialist workers now in Delhi was held at Mr. Jayaprakash Narayan's Delhi residence, where a scheme was decided to implement their dreams. It was decided to launch a regular crusade against Sardar Patel, the Home Member, who had recently taken them to task in his several speeches for their disruptive activities. It was further resolved in that meeting that steps should be taken to oust Dr. Mookerjee,¹ Sardar Patel, Sardar Baldev Singh² and one other member whose name has not been definitely known, from the Central Government and to replace them by Mr. J.P. Narayan, Rammanohar Lohia,³ and Kamaladevi Chattopadhyay.⁴ The recent Press Conference, which exposed their designs, is the first of the series of attempts which they are going to make to achieve their objective. Meetings of their various labour units were also held, where sentimental speeches were delivered by Socialist leaders and the workers were instigated to work in this direction. A regular charge-sheet against Sardar Patel was actually drawn up in that meeting and some Socialists, though not of the top ranks, have gone to such length as to impute motives to Sardar Patel in helping the alleged assassin of Mahatma Gandhi. This was talked by them at several places in the open. In order to gain a place for the *Bande Mataram*, a local daily, a scheme was drawn up to strive for the suspension by all fair and foul means of all other daily papers, published in the capital in Urdu, barring the daily *Tej* of Lala Deshbandhu Gupta⁵ and their *Bande Mataram*. Regular raids were organised by the Socialists against these papers and some hawkers were purchased to help them in their designs.

¹Dr. Syama Prasad Mookerjee.

²Started political career as Akali leader; Development Minister, Punjab, 1942-46; Joined Congress and served as Defence Minister, 1946-52.

³Founder, Socialist Party of India; former General Secretary, Praja-Socialist Party; member, Lok Sabha, 1967.

⁴Took part in freedom movement, was jailed several times; President, All-India Women's Conference; founded India Cooperative Union.

⁵Leading Congressman of Delhi; member, A.I.C.C. and Lok Sabha.

17. *From Dr. Syama Prasad Mookerjee to Vallabhbhai Patel*

Uttarpara

Calcutta

10 February 1948

SARDAR VALLABHBHAI PATEL
DEPUTY PREMIER
NEW DELHI

IT WOULD BE TRAGEDY FOR WEST BENGAL THE BORDER PROVINCE IF PRAFULLA GHOSH* BE APPOINTED PREMIER WHEN EAST BENGAL RAISING A FORCE OF LAKHS PLEASE DO NOT FORCE HIM DOWN UNWILLING WESTBENGALS THROAT HIS LAST MINISTRY WAS UTTER FAILURE EVERY WAY

SYAMAPRASAD MOOKERJEE

*Dr. Prafulla Chandra Ghosh: Joined Congress, 1921; Chief Minister of West Bengal after independence; member, State Assembly, 1947-62, 1967-68; constructive worker of Gandhian programme.

18. *From Dr. Bidhan Chandra Roy to Vallabhbhai Patel*

Calcutta

10 February 1948

My dear Sardarji,

I am enclosing copy of a letter which I have written to Rajendra Babu.* As I told you on the 'phone, my intention was to try and form a very good Ministry irrespective of whether they belong to the Assembly or not. I realised that it might be difficult to find seats in the Assembly for too many outsiders, but I thought and still think that if I could show what a good Ministry can produce, I would perhaps be in a position to induce some of the members to give up their seats. In any case, the experiment has to be tried. I am tired of this fight for power politics which reduces politics to a game of shuttlecock. In the near future we may have to face the problem of dissolving the Assembly and get a new set of members.

You remember that I asked you to spare Mr. Charu Biswas from the High Court for a seat in the Ministry and you kindly allowed him to go on leave preparatory to retirement in order that he might join the Ministry. One difficulty has, however, arisen. The enquiry committee which was proposed by the previous Cabinet with Mr. Justice Chakravarti as Chairman has not yet been formally appointed, as the Bill appointing the Commission is before the Assembly. The previous Ministry wanted to have the Commission by ordinance, but as the Assembly is sitting on the 10th it is difficult now to have an ordinance. Under the circumstances, we have to introduce a Bill. Mr. Justice Chakravarti, meanwhile, has refused to act as Chairman. In view of this, I have asked Mr. Justice Biswas to take up this enquiry. I am writing to him expressing our thanks

for his offer to join the Ministry, but as soon as the Bill is passed, he should be asked to take up this work which is a very important one, viz., enquiring into the condition of the Calcutta Corporation and suggesting remedies. It will certainly take about six months. I am sending you a copy of the Bill† which is proposed to be introduced; it will give the terms of reference of the Commission. We desire that the Chairman should be a judge of the High Court. Justice Biswas was an active member of the Corporation for many years and one of its ablest critics. I understand that his term of service extends up to April 1948. Is it possible for him to get an extension for four months, till the end of September 1948, to finish the work as a judge? I hope it will be possible for you to spare Mr. Biswas for this purpose. I shall send you a note tomorrow about the result of the operations of the declaration of unlawful assembly with regard to particular organisations.

I am well. I hope you are better now.

Yours sincerely,
Bidhan Ch. Roy
Prime Minister, West Bengal

The Hon'ble Sardar Vallabhbhai Patel
New Delhi.

*See letter from Dr. Bidhan Chandra Roy to Dr. Rajendra Prasad, dated 10 February 1948, in Correspondence—Part I.

†Not included.

19. *From B.G. Kher to Vallabhbhai Patel*

Bombay
11 February 1948

My dear Sardar Sahib,

I had informed you that it would not be necessary to appoint a temporary judge during the deputation of Mr. Justice Rajadhyaksha, who has been called to do work on the Income-tax Committee. I have since received a letter from the Chief Justice of Bombay who says that as in addition to Mr. Justice Rajadhyaksha Mr. Justice Bavdekar is also being taken away in connection with the dispute between the Provinces of Bihar and Orissa, it would be best to appoint somebody in place of Mr. Justice Rajadhyaksha. He says that this involves a point of principle. His view is that the matter should be referred to the Chief Justice of India. I enclose a copy of his letter. The appointment becomes necessary as Mr. Justice Sen has applied for leave before the long vacation. As we are always drawing upon the High Court to supply judges for our work and keep them engaged fairly long, an

appointment may become necessary. That depends on how long Mr. Justice Bavdekar is likely to be required.

Yours sincerely,
B.G. Kher

The Hon'ble Sardar Vallabhbhai Patel
New Delhi.

Enclosure not included.

20. *From J.C. Gupta to Dr. Bidhan Chandra Roy*

23 Circus Avenue
Calcutta
The 12th February 1948

Dear Dr. Roy,

I received your private letter dated the 4th February in reply to mine of the 29th and a reminder of that date. According to your letter I naturally expected that there will be a Party meeting when the members are in Calcutta on the 10th. I very much regret that though many members like me suggested the holding of a Party meeting, it has not been held.

I don't know if you are aware that in the past in all indirect elections by the members of the Legislative Assembly the nomination was decided in a Party meeting and then the approval of the Central Parliamentary Board was obtained. May I also mention here that on one occasion there was a split in the Congress Assembly Party over a change of the recommendation of a Party nominee. If you kindly refer to Rai Harendra Nath Choudhury, he will tell you that he with others resisted a change by the Congress President Maulana Azad and formed a separate group over that matter under the leadership of Sri Sarat Chandra Bose.

You also know that the scheduled caste members strongly feel that they should not be deprived of a seat allotted to them. If I remember aright, it is the declared policy of the Congress Parliamentary Board not to encroach upon the seats allotted to the scheduled caste members. If a change must be made, we should discuss in the Party and convince them of the necessity.

I had a talk with Sri Kalipada Mukherji this morning at Gandhi Ghat and he told me that Sri Rajendra Prasad has issued a directive in favour of Dr. Syama Prasad Mookerjee. On the other hand, I am told that Sri Rajendra Prasad when asked on the telephone by Sri Annada Prasad Choudhury yesterday, communicated that he has not issued any directive. When further asked whether Pandit Jawaharlal Nehru or Sardar Vallabhbhai Patel has done so, I understand

Rajendra Babu said he was not aware of any of them having done so.

Kalipada Babu also showed me a telegram from Sri Satyanarayan Sinha, Chief Whip, saying that Sri Kshitish Neogy has signed the Congress pledge. I enquired of him if Dr. Syama Prasad Mookerjee had signed the Congress pledge, but he remained silent on the point.

I may tell you that in the past during indirect elections, Congress has suffered defeat when persons who were not known Congressmen were nominated on other considerations.

May I request you to hold an emergent Party meeting to consider these matters and take decision after ascertaining the sense of the Party members. There are certain other matters regarding change of policy or varying the decisions of the previous Ministry which also ought to be discussed in a Party meeting. I trust you will hold a Party meeting tomorrow and include the points raised in my letters to you in the agenda.

With kindest regards,

Yours sincerely,
J.C. Gupta

The Hon'ble Dr. B.C. Roy
Prime Minister, Govt. of West Bengal
Calcutta.

21. *From Vallabhbhai Patel to Dr. Bidhan Chandra Roy*

New Delhi
13 February 1948

My dear Bidhan,

Thank you for your letter dated 10 February 1948, regarding Mr. Justice Biswas. I am sorry it will not be possible without an amendment of the Act to grant him any extension. The age limit for the retirement of a judge of the High Court is statutorily fixed at 60 and he cannot continue as a judge beyond that age. I notice, however, that the Bill provides that the chairman of the enquiry committee shall be a person who is or has been a judge of the High Court. It would, therefore, be possible for Mr. Justice Biswas to continue as chairman even after he retires as a judge.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Dr. B.C. Roy
Premier, West Bengal
Calcutta.

22. *From J.C. Gupta to the Secretary, West Bengal Congress Assembly Party*

23 Circus Avenue

Calcutta

The 16th February 1948

Dear Sir,

I give notice that I shall move the following resolutions at the next Party meeting:

1. The Congress Assembly Party is of opinion that before a new policy or any change of policy adopted by the previous Government is decided upon by the Ministry, there should be a discussion in the Congress Assembly Party and the opinion of the Party should be ascertained.

2. The Congress Assembly Party is of opinion that non-Congress individuals, however talented, should not be included in the Ministry which should consist of persons who have been in past consistently loyal to the Congress cause and Congress ideals and fully associated with the Congress.

3. No outsider, about whom the Party is not fully satisfied that a seat has been definitely available and found for him, should be included in the Ministry.

4. The Congress Assembly Party is of opinion that having regard to the size and resources of the Province, there should be no further increase of the number of Ministers without the express consent of the Congress Assembly Party, and the Departments which have great inter-connection should be in charge of a single Minister.

5. The Congress Assembly Party is of opinion that there should be a Standing Committee of the members for each Department with powers to co-opt and/or to invite experts regarding matters under consideration and a provision to this effect should be incorporated in the constitution of the Party.

J.C. Gupta

23. *From Jagannath to Vallabhbhai Patel*

Kurukshetra

17 February 1948

(Re: Congress Ticket)

Revered Sardar,

I have ventured to apply for being given the Congress Ticket for one of the newly created general seats of the Constituent Assembly from East Punjab. Nomination papers are to be filed by the 25th morning. I have submitted a formal application to the Congress President.

I have put in this application in the confidence that in view of my 27 years' experience of varied types of public work and my clean record, I shall be considered worthy enough to be given the Congress Ticket.

I shall gladly give up my present job of Rs.835 p.m., if I am selected.

With reverential regards,

Yours sincerely,

Jagannath

(formerly of Servants of the People Society,
Lahore)

P.S. In 1942, when I retired from the Servants of the People Society, you were kind enough to send me a letter written in your own hand. Herewith I am enclosing a copy of that letter and also copies of similar letters from Bapuji, Jawaharlalji, Rajaji, Pantji and Tandonji.

It would not be presumptuous on my part if I say that I amply deserve being taken into the Consembly and shall render good account if I am given the chance.

Jagannath

Sardar Vallabhbhai Patel
1 Aurangzeb Road, New Delhi.

Enclosure:

(Copy of a letter from Jawaharlal Nehru*)

Wardha

June 10, 1942

My dear Jagannath,

I have your letter. I am interested to know that having completed twenty years of membership of the Servants of the People Society, you have now taken up other work. I am glad that you are doing labour welfare work now and I wish you success in it. This is a great field for useful work and I am sure you can do much. But the essential thing about labour, just as about the people in the country, is to make themselves self-reliant and not dependent on favours from others. This is the reason why all labour movements look with some suspicion on welfare work on behalf of the employers and concentrate on developing strength and self-reliance through trade unions. Welfare work on behalf of the employers is of course good in itself, but it is often made an excuse and a means of discouraging workers' organisation. The kind of welfare work that the Ahmedabad Trade Union has done for its members is good as this is done by the workers themselves.

Yours sincerely,

Jawaharlal

Shri Jagannath
52 Hanuman Road, New Delhi.

*Letters from others not included.

24. *From J.C. Gupta to the Secretary/Chief Whip of the West Bengal Congress Assembly Party*

18 February 1948

Dear Sir,

The Hon'ble Leader intimated that today a date will be fixed for consideration of the resolutions of which I have given due notice on the 14th and 16th instant. But I regret it has not been done yet.

The Hon'ble Leader was pleased to direct that the resolutions should be circulated. Members may then come after consideration of the pros and cons of the resolutions. Kindly circulate the resolutions if not already done.

An early sitting is desirable and kindly obtain a date suitable to the Hon'ble Leader.

J.C. Gupta

25. *From A.K. Ghose to J.C. Gupta*

Writers' Buildings
Calcutta

The 19th February 1948

Dear Friend,

With reference to your letter dated 18.2.48, I have been asked by the Leader to inform you that he is very sorry to say that he will be unable to call a meeting as desired by you before he returns from Delhi where he is starting on the 25th. He also informs you that he will call a meeting shortly after he returns from Delhi. He expresses the wish that there is no necessity to circularise the resolutions under reference.

Yours sincerely,
A.K. Ghose

Shri J.C. Gupta, M.L.A.

26. *From J.C. Gupta to Dr. Bidhan Chandra Roy*

20 February 1948

Dear Dr. Roy,

I was grieved to receive a letter from the Chief Whip that you are unable to call a meeting till after your return from Delhi.

I am told that you have expressed the wish that there is no necessity to circulate

the resolutions under reference although you said at the Party meeting that the resolutions sent by me should be circularised as members including yourself should apply their minds before discussion at the meeting.

I have embodied in the resolutions matters which I gathered to be the views of the majority of the members of our Party. The movement to change the Ministry so soon is really based on these. The majority of the Party who have put you in power are keenly disappointed because they feel you have betrayed the trust reposed by them in you. I repeat it would be a disgrace to the Party and the Congress if these grievances are not remedied and the stability of the Ministry is not assured. After you agreed with me in most matters in your letter to me dated the 4th February, I cannot understand why you cannot hold a Party meeting when the members are all present and the session is going on.

Dr. Ghosh came to grief by not listening to the suggestions I gave to him from time to time which he now realises was in his interest as also of the Congress. I am afraid you are being misled against me by those individuals who advised Dr. Ghosh not to listen to me.

I may tell you in conclusion that your Ministry would have been dissolved within a fortnight if Dr. Ghosh and myself had not stood firmly against such scandalous change.

I will yet ask you again to hold a Party meeting to take the sense of the Party before you proceed to New Delhi.

With kindest regards,

Yours sincerely,
J.C. Gupta

27. From Jawaharlal Nehru to Vallabhbhai Patel

New Delhi
20 February 1948

My dear Vallabhbhai,

Some days ago I received the enclosed letter* and note from S.S. Khera, Commissioner of Meerut. Khera is one of the good officers of the U.P. Government. He is straight and honest and efficient but a little liable to emotionalism and therefore sometimes expansive. His note is rather an unusual one for a Government servant to send. But he wrote it, I suppose, because of the shock of Bapu's death. I am sending it to you as it might interest you.

Yours,
Jawaharlal

The Hon'ble Sardar Vallabhbhai Patel
New Delhi.

*Not included.

Enclosure:

(S.S. Khera's note to the Prime Minister)

This is not an isolated act by a mad man. It is a dangerous error to regard it as such. It was built up to its event. There was the immediate conspiracy, brought to completion, after the unsuccessful attempt on 20 January by the same persons, Godse and Apte, through the utter ineptitude of the police. Godse and Apte came to Delhi by air on 17 or 18 January. They went back to Bombay after the attempt on the 20th. The police had their full description and even the names of their associates, and had actually in their custody one of their accomplices. Godse and Apte came to Delhi again by air on the 28th or 29th, and the most elementary check would have discovered them. It was not just ineptitude. There is the tragic lack of will to maintain Governmental authority. The most senior officers of Delhi have time and again in recent months been able with impunity, openly and loudly, to criticise and condemn the administration of the neighbouring area of the U.P. for attempting with some measure of success to maintain law and order, not in terms of the barren graveyard of the East Punjab, but of the stated policy of the Congress Government.

28. *From Vallabhbhai Patel to Jawaharlal Nehru*

New Delhi

20 February 1948

My dear Jawaharlal,

I am sending herewith a copy of the translation of case diaries of officers of the Delhi police who were asked to go to Bombay immediately after the bomb explosion in Birla House on 20 January and effect the arrest of persons who had been implicated by Madan Lal, the culprit. You will notice that they had definite instructions to arrest the persons named by him, that they approached the Bombay police with that request more than once. But the Bombay police felt that all the conspirators should be located and then their arrest should be effected. You will also notice that the Bombay police did attempt to round up these persons, but the latter somehow eluded the attempts of the Bombay police to locate them. On 25 January when the two officers deputed for the purpose finally returned to Delhi and made their report to [T.V.] Sanjevi, the latter sent for Rana, D.I.G. of Police, C.I.D., Bombay, who was at Delhi at the time in connection with the conference of provincial C.I.D. chiefs, gave him a copy of Madan Lal's statement and informed him of the attempts which had been made by the Delhi police to arrest the conspirators and the reasons for the same. On the 26th Mr. Rana left for Bombay.

2. I myself would not like to create any inter-provincial dispute on this issue,

but I thought I should let you know the facts in view of the oft-repeated allegation that efforts had not been made to trace the conspirators named by Madan Lal, particularly Godse who was described by him instead of being named. I thought I would let you know the history of the attempts made by the Delhi police to round them up. The attitude of the Bombay police officers is understandable. There was certainly a grave risk of the other conspirators going underground if only some were arrested even though they could be located. Being wise after the event we might call it at worst an error of judgement, but I feel that even the best of us were liable to fall in that error.

3. I should be glad if you would kindly return to me the enclosure.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Pandit Jawaharlal Nehru
New Delhi.

Enclosure:

(Translation of Case Diary dated 21 January 1948)

Police Station: Tughlak Road, New Delhi.

FIR No. 40 dated 20-1-1948.

Date & place of occurrence: Birla House, afternoon on 20-1-1948.

U/s 4/5 of the Explosives Act.

Crown vs. Madan Lal accused.

Prepared by: Jaswant Singh, D.S.P., New Delhi.

Written at: Bombay.

1. Sir, Reference previous case diaries of this case, I submit that Superintendent of Police, New Delhi, ordered that I and Inspector Mr. Bal Kishan, C.I.D., should reach Bombay today for the investigation of this case by air. He has arranged for the seats by air for Bombay. He further said that in Bombay you should see Mr. Nagarwala, the Deputy Commissioner of Police, i.e., Special Branch, C.I.D., Bombay, and give him the full facts of this case, who will help you, and in Poona, there is one Mr. Gurtu, Assistant to D.I.G./C.I.D. Mr. Nagarwala [who] will give you necessary help; in case Mr. Nagarwala thinks necessary for you to go to Poona, he will depute a special police officer with you.

We left Delhi for Bombay by air.

At the time we reached Bombay city, it was raining. We stayed in Universal National Restaurant, and will see Mr. Nagarwala tomorrow morning. Case Diary prepared.

Jaswant Singh, D.S.P.
21-1-1948

Attested: True translation of C.D. dated 21-1-1948.

Jaswant Singh, D.S.P.

(Translation of Case Diary dated 22 January 1948)

Case FIR No. 40 dated 20-1-1948.

U/s 4/5 Explosives Act.

Crown vs. Madan Lal accused.

Prepared by: D.S.P. Jaswant Singh of New Delhi.

Written at: Bombay.

1. Reference Case Diary of yesterday, I with Inspector Mr. Bal Kishan left for the house of Mr. Nagarwala by a taxi.

2. Reached at the house of Mr. Nagarwala. Mr. Nagarwala met us, and the full story of this case was explained to him. Mr. Nagarwala after hearing the full story of this case said that he had information about this case, and he had a talk with the higher authorities about this case by telephone. He had already deputed his special men everywhere, and for the suspects, about whom he got the information and had also deputed his men to locate them, and he had deputed his men on the railway station. He further stated that you should see him in his office, and we would have further talks there, and he told me that he wanted that no one should know about our arrival in Bombay, and we should not stay in the city. He also said that if the party who is responsible for the case will come to know of our arrival then the whole plan will be smashed, and no arrest will be possible. Further, he ordered me to remove my uniform and see him again in mufti in his office.

At this time I with Inspector, C.I.D., Delhi, reached C.I.D. Office, Bombay, in a taxi, and appeared before Mr. Nagarwala to whom I again gave the facts of the case, and also showed to him a written brief of the statement of Madan Lal accused, with the written footnotes by S.P., New Delhi. It was produced before Mr. Nagarwala, who read it, and kept its extract with him; he returned the original brief, which is attached herewith.

I again explained the full facts of Karkare before Mr. Nagarwala, and also I told Mr. Nagarwala that Madan Lal accused had stated that one of the accused was the editor of the *Agirni* or Hindu Rashtriya newspaper; he was of sallow complexion, aged 33/34, 5'6" in height, and it is not known to him whether he is of Bombay or Poona. Besides these two, I had stated the description of three Mahratas and one Raja Sahib. Their description was explained by me to Mr. Nagarwala. About the editor, Hindu Rashtriya or *Agirni*, and Karkare, special request was made that they have been named by their co-accused, therefore, they should be arrested first so that we may be able to get the clue of the others from them.

22-1-1948, 11.30 a.m.: Mr. Nagarwala stated that his information is that there are more persons in this party. This party is of about 25 persons, all are responsible for this conspiracy. Special arrangements for the arrest of Karkare have been made in Bombay and in Poona [and] Ahmednagar. About the other suspects, they have located three or four at present, but our scheme is to first locate all, and then their arrest will be carried out. If at present we will arrest three

or four from them, by doing this we will not succeed in the arrest of others.

About Ahmednagar he said that he will accompany us, when he will get the information, but you should not go there now. He then sent for Mr. Kargaonkar, Inspector, C.I.D., Bombay, who came inside his office. He ordered his Inspector to arrange for our lodging at a place where nobody can know about our arrival. He also instructed us not to give our Delhi address in the hotel's register and, in our presence, he contacted one police officer on phone at Ahmednagar and also got New Delhi. Immediate trunk call booked, for D.I.G., C.I.D., Poona. He also said that he would first consult the H.M., Bombay, and then he will take further action against the accused.

22-1-1948, 2 p.m.: At this time we reached the house of Inspector Mr. Kargaonkar, C.I.D., Bombay, with our kits, and stayed in one room in the said Inspector's flat.

22-1-1948, 4 p.m.: At this time we reached the C.I.D. Office, Bombay, and Inspector, C.I.D., Bombay, said that your presence here is not required; so we returned to his house and reached his house.

22-1-1948, 7.30 p.m.: At this time, Mr. Kargaonkar, Inspector of Police, C.I.D., Bombay, with Deputy Inspector and Sub-Inspector came back to his house and he said that they had located [a] few suspects, and deputed their police for the other suspects, who are not located as yet. He is definite that they will succeed in tracing all the suspects.

For Karkare and the editor of *Agirni* or Hindu Rashtriya newspaper, he said that one Inspector of Police from Ahmednagar is coming tomorrow and will come to know about those two and then will arrange for their arrests.

22-1-1948, 8 p.m.: We slept at Inspector C.I.D.'s Bombay house. Case Diary prepared and kept.

Jaswant Singh, D.S.P

Attested: True translation of C.D. dated 22-1-1948.

Jaswant Singh, D.S.P.

(Translation of Case Diary dated 23 January 1948)

FIR No. 40 dated 20-1-1948.

U/s 4/5 Explosives Act, P.S. Tughlak Road.

Writer: D.S.P. Jaswant Singh.

Written at: Bombay.

Sir,

Reference Case Diary dated 22-1-1948, I submit that at this time I with Mr. Bal Kishan, Inspector, Delhi, and Mr. Kargaonkar, Inspector, C.I.D., Bombay,

reached the C.I.D. Office, Bombay, and met Mr. Nagarwala who gave lists of passengers who left Bombay for Delhi from 13-1-1948 to 20-1-1948 and said that he was going for an urgent work, he would be coming within no time and would give further instructions.

I have gone through these statements and nothing fruitful comes to my notice at present.

Mr. Kargaonkar, Inspector, C.I.D., Bombay, informed us that Inspector of Police from Ahmednagar had arrived and he had been sent back again by the D.C. Mr. Nagarwala with special instruction. Karkare is not there. Inspector of Police, Ahmednagar, has been ordered to search the editor required in this case; C.I.D., Bombay, has also received similar orders about the search of editor of *Agirni* or Hindu Rashtriya newspaper.

At this time, I enquired about the previous history of Karkare from Inspector of Police, Bombay, and requested him to give me some idea of his information about the culprits of this case.

On this, Inspector, C.I.D., Bombay, said that Karkare's full name is V.R. Karkare who is proprietor of the Deccan Guest House, Ahmednagar. He is a prominent worker of the Hindu Mahasabha and a social worker. He used to go to refugees in Chambor Camp. His connections are with the big leaders of the H.M.S. [Hindu Mahasabha]. The following are his co-accused and associates:

1. Mr. Badge of Poona, a worker of the H.M.S.
2. Autar Singh, Punjabi Sikh of Amritsar (now proprietor, Sher-Punjab Hotel, Bombay). He is the man who supplies arms and arranges for the collection of arms. He is under arrest and was in jail before this occurrence.
3. Mr. Talwar of Karachi now in Bombay.
4. Mr. Balraj Mehta of Lahore (now Shivaji Park, Bombay).

All the above persons are workers of the H.M.S. and they often work with Karkare in such matters. And the Inspector hesitated to give further details.

23-1-1948, 12-30 p.m.: At this time, D.C., Bombay, arrived in the office, and he said that he is doing his best for the arrest of these suspects, and further remarked that I am not required here at present; when required, he will call me, and he ordered that I should go back to Delhi. At this stage, again a request was made that according to our accused's statement, Karkare and the editor of *Agirni* or Hindu Rashtriya are named in his statement, and if they are arrested, they should be sent to Delhi. He agreed. Further, the D.C., Bombay, instructed us that at our arrival in Delhi I should inform the Bombay Police about the further development from the statement of Madan Lal accused.

At this time a brief note on this case with the name and description of the accused wanted in this case was handed over to the Inspector, C.I.D., Bombay. A

request was made again that he should inform us about the arrest of Karkare and the editor of *Agirni* and he will arrange to send them to Delhi.

23-1-1948, 3 p.m.: We left Bombay by train.

Jaswant Singh, D.S.P.

Note. 24-1-1948: Arrived at Delhi. Case Diary prepared and kept 24-1-1948.

Jaswant Singh, D.S.P.

Attested: True translation of C.D. dated 23-1-1948.

Jaswant singh, D.S.P.

29. *From Sir J.P. Srivastava* to Vallabhbhai Patel*

11 Windsor Place
New Delhi
21 February 1948

My dear Sardar Vallabhbhaiji,

Yesterday the D.I.G. of Police, Delhi, accompanied by three other police officers, came and saw me at my quarters. I have been under doctor's orders more or less confined to the house since I had a heart attack on the night of 30 January. The I.G. questioned me about a report which had reached him about some remarks which the Princess of Bharatpur, who has been staying with me, is stated to have made on the night of 30 January. The police interrogated me and later recorded my statement. They also interrogated the Princess of Bharatpur herself and two other ladies and a gentleman who happened to be at my house that evening. In the course of these interrogations, it transpired that Colonel Bhargava, Civil Surgeon, New Delhi, had given them information which has led to this enquiry. I will not enter into the details, as the police have now a complete version and you can send for the papers and judge the matter yourself. I will only say in this letter that I myself and everybody connected with my household [are] terribly upset that any suspicion should have been cast on us. We wish to assure you with all sincerity at our command that we are prepared to clear up our position in any way you consider necessary. We cannot rest content with such a stigma attached to us. Mahatmaji, as I need not assure you, was respected and loved by all of us including my entire family and his loss came to us all as a great shock. I need not talk of this aspect of the matter. What I wish to bring to your notice is the extraordinary behaviour of Col. Bhargava in giving what appears to be a very garbled version of the conversation which he heard at my house when he

came to attend on me in his professional capacity. He could have verified this before jumping to conclusions by enquiry at my place. I might say that Col. Bhargava has been known to me and has been a friend of the family for about 17 or 18 years and I think I may claim to have rendered him, his sons and his brother considerable assistance in so many matters. I have always treated him as a friend, but in this case a very small matter seems to have upset him. He came to see me a little after 10.30 on the night of the 30th, but he did not consider that there was anything wrong with my heart. After he went away I became more uncomfortable and a friend of mine sent for a heart specialist, Col. Dhanda, who had never treated me before. Next morning Col. Bhargava came to see me and Col. Dhanda also arrived simultaneously. Col. Bhargava did not like Col. Dhanda having been called in and went away without examining me. He did not come to see me again until a few days ago when, in order not to give him cause for complaint, I specially called him for consultation with Col. Dhanda. Even then he was not affable and a day or two after his visit, he sent me a letter demanding payment of £30 which he claimed to have been due to him since 1937. He had not claimed this amount before. I enclose herewith a copy of this letter for your kind perusal. I do not wish to make any complaint against Col. Bhargava, but it seems to me that his annoyance at our having called in Dr. Dhanda must have had something to do with the complaint he made.

I might mention that the Princess of Bharatpur has been known to me ever since she was a child and as she is an old friend of the family, I know a great deal about her sympathies and predilections. She never had any connection with any political party and she has not been even on 'talking terms' with her brother, the Maharaja of Bharatpur. She has not visited Bharatpur since 1946 and even then she did not stay with the Maharaja.

I have ventured to lay the bare facts before you as I feel certain that you will not allow harassment of persons who cannot by any stretch of imagination be involved in the dastardly outrage [Gandhi murder]. I have full faith in our Government and will gladly submit to any decision which they may reach.

I would have come and seen you personally but as I am leaving for Cawnpore [Kanpur] on an urgent private business tomorrow, I will solicit an interview on my return about the 27th or 28th.

With apologies for worrying you personally,

Yours sincerely,
J.P. Srivastava

The Hon'ble Sardar Vallabhbhai Patel
New Delhi.

Enclosure not included.

*Food Member, Central Government, during World War II.

30. *From Vallabhbhai Patel to Jawaharlal Nehru*

New Delhi
21 February 1948

My dear Jawaharlal,

Thank you for your letter dated 20 February 1948, with which you enclosed a letter and note from Mr. S.S. Khera, Commissioner of Meerut Division.

As you say, it has apparently been written under a great emotional stress and that probably explains the unbalanced outbursts in which it abounds. There are also certain glimpses of the obvious.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Pandit Jawaharlal Nehru
New Delhi.

Copy to Dr. Rajendra Prasad, Congress President.

31. *From Vallabhbhai Patel to Sir J.P. Srivastava*

New Delhi
22 February 1948

My dear Sir J.P. Srivastava,

Thank you for your letter of 21 February 1948.

As the matter is under investigation, I should not like to say anything on merits. I would only say this much, that the Intelligence Bureau did not get their information from Col. Bhargava, but from independent sources. Your suspicion of Col. Bhargava is, therefore, entirely unfounded.

Yours sincerely,
Vallabhbhai Patel

Sir J.P. Srivastava
11 Windsor Place, New Delhi.

32. *From Dr. Bidhan Chandra Roy to Vallabhbhai Patel*

Calcutta
23 February 1948

My dear Vallabhbhaiji,

Please refer to the correspondence resting with your letter of 13 February 1948 regarding Mr. Justice Biswas. I quite appreciate that no person can continue to sit as a judge after attaining the age of 60 and must retire. Nor was it my intention

to suggest that the Act should be amended in order to enable Mr. Justice Biswas to continue as a judge beyond the date of superannuation. What I had in mind was something similar to the provisions of paragraph 17(2) of the Government of India (High Court Judges) Order, 1937, under which the Secretary of State was empowered in special cases to direct that in calculating a judge's total service for the purpose of pension any period not exceeding three months might be added. This provision was evidently intended to give the retiring judge the benefit of a full year for the purpose of his pension although, according to the date of superannuation, his total service might be a few months short of the necessary number of completed years.

2. I am of course aware that the Order-in-Council referred to above is no longer applicable and that under Section 221 of the Government of India Act, as now adapted, the power to determine the rights of High Court judges in respect of leave, pension, etc., is now vested in the Governor-General. What I wished to propose in the case of Mr. Justice Biswas was that as his date of superannuation would leave him four months short of the last completed year of service, he might, under a general or special order, be allowed to count for the purposes of pension additional service for the required period. A formal representation in this respect will presumably be made by Mr. Justice Biswas himself. I am writing this letter merely by way of advance intimation and a personal recommendation in the matter.

Yours sincerely,
B.C. Roy

The Hon'ble Sardar Vallabhbhai Patel
New Delhi.

33. *From Jawaharlal Nehru to Vallabhbhai Patel*

New Delhi
26 February 1948

My dear Vallabhbhai,

You are so terribly busy, and I am pretty well occupied, that I hesitate to add to your work. I feel however that I must tell you what I have had in my mind for some days.

While the investigation about Babu's assassination by Godse is proceeding here and [in] Bombay and elsewhere, there appears to be a certain lack of real effort in tracing the larger conspiracy. More and more I have come to the conclusion that Babu's murder was not an isolated business but a part of a much wider campaign organised chiefly by the R.S.S. A large number of R.S.S. men have been arrested, probably many of them more or less innocent. But a considerable number of their key men are still abroad or underground or even sometimes flourishing in the open. Many of these people are in our offices and in

the police. It is hardly possible to keep anything secret from their group. I was told the other day by a responsible police officer that no search could be conducted in secret because previous intimation always reached the parties concerned.

The Delhi police has apparently a goodly number of sympathisers with the R.S.S. It may not be easy to deal with all of them. But I think something more than has been done can be undertaken. I have little doubt that the R.S.S. organisation is still fairly active in many ways and will hit back when it can. To be complacent about it might lead to fresh disaster. I am told that they have taken to a number of apparently innocent activities and are utilising them to keep their organisation in proper trim.

I do not know what exactly to suggest to you. But I have a feeling of uneasiness about the situation in Delhi specially. I think the police and the local authorities have to be kept up to the mark. They have a habit of slackening off after the spurt. What is more dangerous is that a number of them appear to sympathise with the R.S.S. Hence an impression is created that nothing very effective is being done. Effectiveness does not mean mass arrests but the singling out of people who count and whose potentiality for mischief is great.

Yours affectionately,
Jawaharlal

Sardar Vallabhbhai Patel.

Copy to Dr. Rajendra Prasad, Congress President, and Chairman, Gandhi Smarak Nidhi.

34. *From Vallabhbhai Patel to Jawaharlal Nehru*

New Delhi
27 February 1948

My dear Jawaharlal,

Thank you for your letter dated 26 February 1948 which I received just now. I have kept myself almost in daily touch with the progress of the investigation regarding Bapu's assassination case. I devote a large part of my evening to discussing with Sanjevi the day's progress and giving instructions to him on any points that arise. All the main accused have given long and detailed statements of their activities. In one case, the statement extends to ninety typed pages. From their statements it is quite clear that no part of the conspiracy took place in Delhi. The centres of activity were Poona, Bombay, Ahmednagar and Gwalior. Delhi was, of course, the terminating point of their activity, but by no means its centre; nor do they seem to have spent more than a day or two at a time, and that too only twice between 19 and 30 January. It also clearly emerges from these statements that the R.S.S. was not involved in it at all. It was a fanatical wing of the Hindu Mahasabha directly under Savarkar that [hatched] the conspiracy and saw it

through. It also appears that the conspiracy was limited to some ten men, of whom all except two have been got hold of. Every bit of these statements is being carefully checked up and verified and scrutinised, and, where necessary, followed up. Sanjevi devotes a considerable time every day to it. Senior officers of Bombay and C.P. are in charge of the investigation. Delhi police hardly comes in the picture.

Of course, it is impossible for us at this stage to publicise any of these things or to say anything publicly about what is being done to unearth the conspiracy. Every item of information that is being communicated to us through sources known and unknown, real, anonymous or pseudonymous, is being investigated. More than 90 per cent of these have been found to be just imagination. Most of these have been directed to the activities of R.S.S. men in various centres. We have followed this up, and except vague allegations that sweets were distributed or joy was expressed, hardly anything of substance has been found in them. After having dealt with these matters at first hand and discussed these matters in detail with Sanjevi and other officers who are in charge of this investigation, including the Public Prosecutor of Bombay, Mr. Pettigarrah, who has been advising the investigators on legal points, I have come to the conclusion that the conspiracy of Bapu's assassination was not so wide as is generally assumed, but was restricted to a handful of men who have been enemies for a very considerable time—the antipathy can be traced right to the time when Bapu went for his talks with Jinnah, when Godse went on a fast and some others of the conspirators went to Wardha to prevent him [Bapu] from going. Of course, his assassination was welcomed by those of the R.S.S. and the Mahasabha who were strongly opposed to his way of thinking and to his policy. But beyond this I do not think it is possible, on the evidence which has come before us, to implicate any other members of the R.S.S. or the Hindu Mahasabha. The R.S.S. have undoubtedly other sins and crimes to answer for, but not for this one. If you have any time, I would be glad to send to you Sanjevi and Rana, D.I.G., C.I.D., Bombay, who are here. They could explain to you the whole case as it has emerged from the investigation. They say they will take another ten days or a fortnight, at the end of which the case will be ripe for being placed in the hands of the Public Prosecutor. As soon as the Public Prosecutor is ready, we hope to appoint a Special Judge to try the case in Delhi.

As regards the R.S.S. in Delhi, I am not aware of any prominent men or active workers whom we have left out. We hear all sorts of reports from somebody or the other regarding a certain person being an active member or not. In some cases, on such reports, arrests were made, and we soon found representations coming from Congressmen themselves testifying to their Congress sympathies and anti-R.S.S. views. We had to release them. In other cases, on arrests of R.S.S. people being made on similar information, both we and the Provincial Governments are being accused of rounding up innocent people. In the case of a secret organisation like the R.S.S. which has no records of membership, no

registers, etc., securing of authentic information whether a particular individual is an active worker or not is rendered a very difficult task. Nevertheless, I am assured that practically all the important workers of R.S.S. in Delhi have been rounded up. Indeed, some knowledgeable people tell me that we have rounded up more than necessary. I have already asked Provincial Governments, including Delhi, to let us know what has been the result of these arrests, how many have been arrested, how many have been released, what has been revealed in searches, etc. As soon as these reports come in, we shall have to consider our next step. If there are any key men who are still at large, I should like to know their names, so that we can follow them up.

I quite realise that police and the local authorities who are in Delhi or elsewhere have an appreciable number of R.S.S. sympathisers. Here again, however, the difficulty is to locate the men. Whenever I have received the least information about the names, and particulars of any R.S.S. men in Government service, I have communicated them to Sanjevi or Mehra. In some cases, Government servants in Delhi have already been arrested for R.S.S. activities. Delhi's quota of R.S.S. arrests compares favourably with that of any other place or Province. I doubt, therefore, whether the accusation can be substantiated that Delhi police or local authorities have been inactive on account of R.S.S. sympathies. However, I shall again have a discussion with Mehra on the particular problems which you have mentioned and see what further action could be taken.

Yours sincerely,
Vallabhbhai Patel

The Hon'ble Pandit Jawaharlal Nehru
New Delhi.

Copy to Dr. Rajendra Prasad, Congress President, and Chairman, Gandhi Smarak Nidhi.

35. *From Jawaharlal Nehru to Vallabhbhai Patel*

New Delhi
27 February 1948

My dear Vallabhbhai,

Lady Cripps sent me a copy of Stafford Cripps's* speech on Gandhiji for you. I enclose this.

Yours,
Jawaharlal

The Hon'ble Sardar Vallabhbhai Patel
New Delhi.

*M.P. (Labour) for Bristol East; Lord Privy Seal and Leader of House of Commons, February 1942; known for Cripps proposals in 1942; member, British Cabinet Mission, 1946.

Enclosure:

(Speech by Sir Stafford Cripps on Mahatma Gandhi)

17 February 1948

Sir Stafford Cripps, Chancellor of the Exchequer, at a Service of Intercession for the people of India, in Westminster Abbey this afternoon, spoke of Mahatma Gandhi in the following words:

This afternoon I have been asked to say a few words to you about Mahatma Gandhi.

He started life in the way that any of us might have started. He studied to become a lawyer and in the course of those studies he became a student of the Middle Temple here in London, where he was later qualified by being called to the Bar. In his later years he looked back on those days with no regret and often spoke to me about them. He was proud of his legal qualifications and used to recount the early triumphs that he had when he went to practise in South Africa.

It was there first that he came into contact in an intimate way with the difficulties of his own people. He became the Indians' and the poor man's lawyer and had his mind strengthened in the will and the purpose of leading his people out of their bondage into freedom.

Already his deep religious conviction of non-violence had taken shape, based upon the policy pursued in the great days of Hinduism in India.

Non-violence for him was not a negative policy, it was much more than that. It was the determination that the power of love should triumph, a determination based upon a deep and unshakable belief in that power. It was by that power of love that he was determined to liberate his country and for that purpose he returned to India and spent many years walking up and down its length and breadth preaching his gospel of freedom through love and non-violence.

He never took the view that he must divorce his religion from his everyday life. Religion was his life and his life was religion. When he saw injustice or when he thought the time ripe for some advance of his people towards their freedom he applied his beliefs by action. He knew as no other man perhaps has ever known the spirit and character of the Indian people of all races and creeds. He understood how self-sacrifice appealed to them and he made his own self-sacrifice the central feature of all his actions. He lived the simplest of lives surrounded by an ever-growing band of devoted followers. His food, his clothing, his lodgings were all of the simplest.

He was no simple mystic; combined with his religious outlook was his lawyer-trained mind, quick and apt in reasoning. He was a formidable opponent in argument and would often take up the attitude that his views and the policy he was advocating had come to him in his meditations from God and then no reasoning upon earth could make him depart from them. He knew he was right. It was by prayer and meditation that his mind was often made up and not by

reasoning with his fellowmen.

He stood out head and shoulders above all his contemporaries as one who believed and who fearlessly put his beliefs into practice. I know of no other man in our time or indeed in recent history who so fully and convincingly demonstrated the power of the spirit over material things.

It was in a supreme effort to heal the differences between Hindu, Mussulman and Sikh that he was engaged at the time of his death. It was the greatest task that he had ever undertaken, and in it he had already had a large measure of success. Almost alone he quelled the disturbances in Bengal which but for the force of his character and teaching would undoubtedly have led to disasters as serious as those in the Punjab.

His attitude to the British as individuals was always one of friendliness and even so far as that somewhat impersonal entity, the British people, he had no wishes except for their happiness.

I certainly always found him a good and faithful friend upon whose word I could rely.

The fact that he resisted—by his policy of non-cooperation—the British-controlled Indian Government was the natural and, I would say, proper reaction of a keen Indian nationalist bent upon winning the freedom of his people by non-violent means.

His passage from us is a loss to all the world, for where can we find today the leaders who are able to emphasise by their own life and actions the overpowering force of love in solving our difficulties?

No words could perhaps better sum up his spirit than those of Thomas-a-Kempis:

Love feels no burdens, thinks nothing of trouble, attempts what is above its strength, pleads no excuse of impossibility: for it thinks all things lawful for itself and all things possible.

It is therefore able to undertake all things and it completes many things and brings them to a conclusion where he who does not love faints and lies down....

36. *From Rameshwar Agnibhoj to Jagjivan Ram*

Nagpur

The 3rd March 1948

My dear Shri Jagjivanramji,

I have not heard anything from you since long. I am sure you must be enjoying good health now.

I am writing this to you with a specific purpose. After the assassination of Bapuji, the position in the country has altogether changed and all the political bodies based on communal basis are considered as a de-nationalising factor in

the country's national life. Therefore, I feel, sooner or later the All India Depressed Classes League shall also have to change its policy and get itself dissolved in the higher interest of the nation. I personally feel sooner the better. Hence I have decided to resign from the All India Depressed Classes League. Kindly therefore treat this letter as my resignation and make it convenient to inform the President and the Secretary of the League accordingly.

With best wishes,

Yours sincerely,
R. Agnibhoj
Minister for Public Works, C.P. & Berar

37. From Sadiq Ali to all Provincial Congress Committees

ALL INDIA CONGRESS COMMITTEE

Swaraj Bhawan, Allahabad
4th March 1948

Dear Friend,

We find that the last A.I.C.C. resolution about constitutional changes and connected developments have created some confusion and misunderstanding. This should be avoided especially in this transitional period. You will kindly note the following:

(1) The time-table for the correction and finalisation of membership rolls stands. You have to send us the total figure of members enrolled in your Province. Whether it would be possible for us to make any use of this roll is a matter which the A.I.C.C. will decide. Assuming that our next elections are based on a different membership, the preparation and finalisation of rolls would still be helpful to us. The final date we have fixed for the submission of rolls has already expired. Some extension was granted in the case of some Provinces. All Provinces will please bear in mind the necessity of adhering either to the original or agreed modified time-table.

(2) The money accruing from the membership fee has to be carefully spent. Please refer in this connection to our Circular No. 40 dated December 18, 1947. There should be no laxity in the observance of these directions. You will kindly let us know whether you and your subordinate committees have adhered to the directions contained in this circular and whether and to what extent and for what reasons you desire any change in them.

Yours sincerely,
Sadiq Ali
Permanent Secretary

38. *From Chakradhar Sharan to Sadiq Ali*

10 March 1948

My dear Sadiq Ali Saheb,

Many thanks for your letter of recent date. I am sorry I could not write to you earlier.

As regards the statements issued by the President I had tried to keep copies of them but I doubt very much if all of them are there in the file. My difficulty has been that there is only one P.A. attached with Papuji as the President of the Constituent Assembly and it becomes impossible for him to keep all the letters and files in order. Everyday I get up early in the morning and go to bed at about eleven in the night and all my time is taken away in meeting the large number of people who come to meet the President at his residence or on attending to telephone calls or on such other business. I get no leisure either on Sunday or on any other holiday. More than hundred letters come everyday and I have to attend to them single-handed. Sometimes I have to get up at three in the morning when I do not find time to attend the dak in the night. You will be surprised to learn that I do not get time to go through even one daily paper for days together. After all there is a limit to one's physical capacity. The result is that I am unable to do so many things which I want to do and which I ought to do. I have been telling the two General Secretaries to give one or two assistants from Congress side to the President but nothing has been done so far. I do not think it would be possible to carry on in this way any further. This is, however, by the way.

After his return from Burma Rajendrababu had sent a note to the Ministry of Commonwealth Relations and I have asked Shri Nandkumar, the P.A. at 1 Queen Victoria Road, New Delhi, to find it out and to send a copy to you. I am sorry to say that I had not kept any note of the number of addresses presented to the President and his reply to them. But I may inform you that he had issued a statement on his visit to Burma from Calcutta which was published in the Calcutta papers on a date between 7th and 10th of January. You may consult the file and get it from there. The one important item which was not published in the Press is the purse which was presented to him from various institutions and which amounted to about Rs.70,000. I give below its details:

Rs.251-0-0—Milk sellers through Shri Shivashankar Prasad, Tiude Street, Rangoon.

Rs.5,100-0-0—Hindus and Sikhs of Latio through Sardar Lal Singh, for Punjab sufferers.

Rs.500-0-0—Shri Babulal Kedia, 38 Moghul Street, for Punjab sufferers.

Rs.11,651-0-0—Bihar and U.P. Association, Rangoon.

Rs.11-0-0—Anonymous.

Rs.18,121-0-0—The Marwari community of Rangoon.

Rs.5,000-0-0—Shri Thakkarsunderji Nanji and Sons, 481 Dalhousie Street, Rangoon.

Rs.101-0-0—Anonymous.

Rs.1,001-0-0—Shri Thakkarji Sunderji Nanji and Sons, Rangoon.

Rs.1,500-0-0—Bharatiya Seva Samiti, Siriam, Burma.

Rs.25,005-0-0—The Gujarati community, Rangoon.

Rs.68,241-0-0

With regards,

Yours sincerely,
Chakradhar Sharan

Shri Sadiq Ali
All India Congress Committee
6 Jantar Mantar Road, New Delhi.

39. *From Dr. Bidhan Chandra Roy to J.C. Gupta*

23 March 1948

Dear Mr. Gupta,

I am sorry that I cannot meet your wishes of calling a meeting before I leave for Delhi. I am very busy now with various important matters for which I am collecting data in order to discuss them with the Centre.

You have suggested that the meeting should be called when the Members are present and the session is going on. The meetings of the Assembly will go on till the 3rd week of March and, therefore, I do not see any hurry about calling a meeting for the purpose of discussion of the matter you have raised in your previous letters.

B.C. Roy

40. *From J.C. Gupta to A.K. Ghose*

26 March 1948

Dear Sir,

I have seriously and carefully considered the position regarding the Ministry and what should be our duty now. You are aware that I was, and still am, of opinion that the Ministry should consist mainly of persons who have been loyal to the Congress cause and ideals in the past and with a majority of persons who cannot be termed capitalists or to have vested interests. You will remember I said so at the first meeting held under Dr. Roy's leadership and requested him to take note of the growing opposition from the Socialists and Communists.

In my opinion, it has been a great mistake to change the Ghosh Ministry which succeeded in creating a prestige whatever may have been its shortcomings. Dr. Ghosh created a reputation for honesty and incorruptibility which is the need of the present moment.

I opposed dissolution of Dr. Roy's Ministry soon after the formation when I was told that Dr. Roy has betrayed the confidence reposed in him by those who put him there as a Leader as in my opinion it would make the Congress Assembly Party a laughing stock before the public. I then gave notice of some resolutions which if accepted and acted upon would remove the grievance of Party members against Dr. Roy's Ministry but unfortunately those could not be considered by the Party members as Dr. Roy was unwilling to call a Party meeting to consider them. The result today is that a considerable section are convinced that if the present Ministry continues, the Congress chances at the ensuing election are doomed. Though I did not favour a change before, but having regard to the autocratic ways and unwillingness to consult the Party as the High Command to dissolve the present Assembly behind the back of the Party and even of his Cabinet, a change has become unavoidable, however regrettable it may be. But may I request you to make a last effort to see if Dr. Roy would be agreeable to act democratically after discussion of all important matters in the Party and reconstitute the Ministry according to the wishes of the Party members.

J.C. Gupta

Shri A.K. Ghose
Chief Whip, Congress Assembly Party
West Bengal.

41. *From T.N. Mallik to Dr. Bidhan Chandra Roy*

Abhayapuri
Goalpara (Assam)
29 March 1948

Dear Sir,

It should be known to you that the Assam Government have ordered that in the Goalpara district all Bengali students must learn Assamese as an additional subject even in the primary stages. This district is predominantly Bengali-speaking and a large part of it is bound to go over to your Province in any scheme of redistribution of Provinces on the linguistic basis. This unseemly haste of the Assam Government is, therefore,* lose no time in asking for the Bengali portion of the district being attached to West Bengal immediately to frustrate the evil intentions of Assam. The case of Goalpara is very different from that of other districts of Assam. While in the latter the Bengalis are mainly new-comers, in the

former they are the original residents and they have a right to your protection. Kindly do not put the matter off for a comprehensive solution, which will take a long time. You should not hesitate to press on Panditji to recognise immediately the just claims of the Bengalis of Goalpara. If he counsels patience, as will be natural for him, he should be persuaded to counsel similar patience to Assam, so that at least the border districts, which are likely to be involved in linguistic redistribution, are spared the agony of having to learn a variety of languages. Is this too much to ask for?

In other districts like Kamrup and Sibsagar, if the Bengali students must learn Assamese as an additional subject, the Assamese students must also learn another language, whether Bengali, Khasi, Garo or any other language. This is only fair. Otherwise the Bengali students will be badly handicapped in competition with the Assamese boys. Of what earthly use is the Educational Conference held at New Delhi, if the innocent little children cannot be protected from narrow-minded politicians? Panditji and you must not fail them on the convenient plea of provincial autonomy.

Bengalis in Assam look to you for succour in their distress. Will you disappoint them? They do not want you to rouse mass passion. They only want you to follow Mahatmaji's advice and fight their case through the Congress and Government machineries. But there should be no unjust compromise. If you are really the first servant of the Bengalis please prove your credentials. You can do so if you choose to. So you must.

Looking forward to a visible result early,

Yours faithfully,
T.N. Mallik

The Hon'ble Dr. Bidhan Ch. Roy
Premier of Bengal
Writers' Buildings, Calcutta.

*Some words are missing.

APPENDICES

PART I

(Reports of the various Committees appointed by the Constituent
Assembly of India)

1. *Report of the Provincial Constitution Committee* (presented on 14 July 1947)*

(From K.M. Munshi, Chairman, Order of Business Committee, to the President, Constituent Assembly of India)

Council House
New Delhi
9 July 1947

Sir,

During the last session of the Assembly, we submitted a report which was necessarily tentative because of the fluid political circumstances then obtaining. Since then, momentous changes have occurred and the position has become crystallised. His Majesty's Government have issued a fresh statement on June the 3rd which has been accepted by all the principal political parties; and as a result of the decisions taken in pursuance of that statement, certain parts of the country will secede from India. These changes have revolutionised both the procedural and the substantive parts of the scheme on the basis of which we have been working hitherto. So far as the procedural aspect is concerned, it is no longer necessary for the Assembly to split into sections and to consider the question of groups, and the double majority provisions in regard to matters of major communal importance are no longer operative.

It is against this background that we held a meeting on the 3rd of July. Pandit Nehru was present at the meeting at our request, and we are grateful to him for the help he gave us.

2. We understand that during the next session, the Assembly will have before it three reports for consideration—those of the Union Constitution Committee, the Union Powers Committee and the Provincial Constitution Committee. Between them these reports will deal with a large majority of questions that would have to be decided by the Assembly. We recommend that the Assembly take decisions on these reports in the July session and direct that the work be taken up at once of drafting the Constitution Bill. We recommend also that the Assembly appoint a Committee of members to scrutinise the draft before it is submitted to the Assembly and its subsequent session.

3. The matters that will remain outstanding at the end of July session will be the reports of the Advisory Committee on Fundamental Rights, Minorities and the administration of the Tribal and Excluded Areas. We suggest that the Advisory Committee complete its work in August and the recommendations made by them incorporated by the Draftsman in his Bill notwithstanding that no decisions will by then have been taken on them by the Assembly. Any changes which are subsequently considered necessary could be incorporated in the draft Bill by suitable amendments.

4. In our last report, we had suggested that the Assembly should complete its work by the end of October this year. We reiterate this recommendation; and, having regard to the progress made by the committees, we think this is quite practicable. We propose accordingly that the Assembly authorise the President to summon a session sometime in October, preferably in the early part of the month, for the purpose of considering the draft of the Constitution.

5. We do not think it necessary in the altered circumstances for decisions taken in the July session to be circulated in accordance with Rule 63 of the Constituent Assembly Rules.

6. Our recommendations will involve an amendment to the Rules which we request the Steering Committee to take into consideration.

I have the honour to be,
Sir,
Your most obedient servant,
K.M. Munshi
Chairman

The President
Constituent Assembly of India.

*Members of the Committee:

1. Shri K.M. Munshi (*Chairman*).
2. The Hon'ble Sir N. Gopalaswami Ayyangar.
3. Shri Biswanath Das.

2. Report of the Provincial Constitution Committee (presented on 15 July 1947)*

(From Vallabhbhai Patel, Chairman, Provincial Constitution Committee, to the President, Constituent Assembly of India)

Council House
New Delhi
The 27th June 1947

Sir,

On behalf of the members of the Committee appointed by the Hon'ble the President in pursuance of the resolution of the Constituent Assembly of the 30th April 1947 to report on the principles of a model Provincial Constitution, I have the honour to submit the annexed Memorandum which embodies the

recommendations of the Committee together with explanatory notes where necessary.

I have the honour to be,
Sir,
Your most obedient servant,
Vallabhbhai Patel
Chairman

**Members of the Committee:*

1. Sardar Vallabhbhai Patel (*Chairman*).
2. Dr. P. Subbarayan.
3. Dr. B. Pattabhi Sitaramayya.
4. Mr. B.G. Kher.
5. Mr. Brijlal Biyani.
6. Dr. K.N. Katju.
7. Mr. Phulan Prasad Verma.
8. Mr. Harekrushna Mahtab.
9. Mr. Kiran Shankar Roy.
10. Mr. Rohini Kumar Choudhury.
11. Mr. Jairamdas Doulatram.
12. Sardar Ujjal Singh.
13. Diwan Chaman Lall.
14. Dr. P.K. Sen.
15. Mr. C.M. Poonacha.
16. Mr. Radhanath Das.
17. Mr. Satyanarayan Sinha.
18. Mr. Rafi Ahmad Kidwai.
19. Mrs. Hansa Mehta.
20. Rajkumari Amrit Kaur.
21. Dr. H.C. Mookherjee.
22. Acharya J.B. Kripalani.
23. Mr. Shankarrao Deo.
24. Mr. R.R. Diwakar.
25. Mr. S. Nagappa.

Annexure:

(Memorandum on the Principles of a model Provincial Constitution)

PART I: GOVERNORS' PROVINCES

CHAPTER I

The Provincial Executive

1: *Governor*. For each Province there shall be a Governor to be elected directly by the people on the basis of adult suffrage.

[*Note:* The Committee were of the opinion that the election of the Governor should, as far as possible, synchronise with the general election to the Provincial

Legislative Assembly. This may be difficult to provide by statute, because the Legislative Assembly may be dissolved in the middle of its term.]

2. *Term of office.* (1) The Governor shall hold office for a term of four years, except in the event of death, resignation or removal.

(2) The Governor may be removed from office for stated misbehaviour by impeachment, the charge to be preferred by the Provincial Legislature, or, where the Legislature is bicameral, by the Lower House of the Provincial Legislature, and to be tried by the Upper House of the Federal Parliament, the resolution in each case to be supported by not less than two-thirds of the total membership of the House concerned.

(3) The Governor shall be deemed to have vacated his office by continued absence from duty or continued incapacity or failure to discharge his functions for a period exceeding four months.

(4) The Governor shall be eligible for re-election once, but only once.

3. *Casual vacancies.* (1) Casual vacancies in the office of Governor shall be filled by election by the Provincial Legislature on the system of proportional representation by means of the single transferable vote. The person so elected shall hold office for the remainder of his predecessor's term of office.

(2) In the event of the Governor's absence from duty or incapacity or failure to discharge his functions for a period not exceeding four months, the President of the Federation may appoint such person as he thinks fit to discharge the Governor's functions until the Governor's return to duty or until the Governor is elected, as the case may be.

4. *Age qualifications.* Every citizen of the Federation of India who has reached his 35th year of age shall be eligible for election as Governor.

5. *Disputes regarding election.* Disputes regarding the election of a Governor shall be enquired into and determined by the Supreme Court of the Federation.

6. *Conditions of Governor's office.* (1) The Governor shall not be a member of the Provincial Legislature and if a member of the Provincial Legislature be elected Governor, he shall be deemed to have vacated his seat in that Legislature.

(2) The Governor shall not hold any other office or position of emolument.

(3) The Governor shall have an official residence and shall receive such emoluments and allowances as may be determined by Act of the Provincial Legislature and until then such as are prescribed in Schedule ...

(4) The emoluments and allowances of the Governor shall not be diminished during his term of office.

7. *Executive authority of Province.* The executive authority of the Province shall be exercised by the Governor either directly or through officers subordinate to him. But this shall not prevent the Federal Parliament or the Provincial Legislature from conferring functions upon subordinate authorities, nor shall it be deemed to transfer to the Governor any functions conferred by any existing Indian law on any court, judge or officer or local or other authority.

8. *Extent of the executive authority of Province.* Subject to the provisions of

this Constitution and of any special agreement, the executive authority of each Province shall extend to the matters with respect to which the Provincial Legislature has power to make laws.

[*Note:* The reference to special agreements in this provision requires a word of explanation. It is possible that in the future there may be Indian States or groups of Indian States desiring to have a common administration with a neighbouring Province in certain specified matters of common interest. In such cases, the Rulers concerned may by a special agreement cede the necessary jurisdiction to the Province. Needless to say, this will not interfere with the accession of the State or States concerned to the Federation, because the accession to the Federation will be in respect of Federal subjects, whereas the cession of jurisdiction contemplated here is in respect of provincial subjects.]

9. *Council of Ministers.* There shall be a Council of Ministers to aid and advise the Governor in the exercise of his functions except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion.

[*Note:* For the most part, the Governor will act on advice, but he is required to act in his discretion in the following matters:

- (1) the prevention of any grave menace to the peace and tranquillity of the Province or any part thereof [clause 15(2) of this Part],
- (2) the summoning and dissolving of the Provincial Legislature (clause 20 of this Part),
- (3) the superintendence, direction, and control of elections [clause 22, proviso (2), of this Part],
- (4) the appointment of the Chairman and the members of the Provincial Public Service Commission and of the Provincial Auditor-General (Part III).

It is to be noted that the Governor, under the proposed Constitution, is to be elected by the people, so that he is not likely to abuse his "discretionary" powers.]

10. If any question arises whether a matter is one for the Governor's discretion or not, the decision of the Governor in his discretion shall be final.

11. The question whether any, and, if so, what advice was tendered by the Ministers to the Governor shall not be enquired into in any court.

12. *Other provisions as to Ministers.* The Governor's Ministers shall be chosen and summoned by him and shall hold office during his pleasure.

13. (1) A Minister who for any period of six consecutive months is not a member of the Provincial Legislature shall at the expiration of that period cease to be a Minister.

(2) The salaries of Ministers shall be such as the Provincial Legislature may from time to time by Act determine, and, until the Provincial Legislature so determine, shall be determined by the Governor:

Provided that the salary of a Minister shall not be varied during his term of office.

14. *Conventions of responsible government to be observed.* In the appointment of his Ministers and his relations with them, the Governor shall be generally guided by the conventions of responsible government as set out in Schedule ... but the validity of anything done by the Governor shall not be called in question on the ground that it was done otherwise than in accordance with these conventions.

[*Note:* Schedule ... will take the place of the Instrument of Instructions now issued to Governors.]

15. *Special responsibilities of Governor.* (1) In the exercise of his responsibilities, the Governor shall have the following special responsibility, namely, the prevention of any grave menace to the peace and tranquillity of the Province or any part thereof.

(2) In the discharge of his special responsibility, the Governor shall act in his discretion:

Provided that if at any time in the discharge of his special responsibility he considers it essential that provision should be made by legislation, but is unable to secure such legislation, he shall make a report to the President of the Federation who may thereupon take such action as he considers appropriate under his emergency powers.

16. *Advocate-General for Province.* (1) The Governor shall appoint a person, being one qualified to be a judge of a High Court, to be Advocate-General for the Province to give advice to the Provincial Government upon legal matters.

(2) The Advocate-General shall retire from office upon the resignation of the Prime Minister, but may continue to carry on his duties until a new Advocate-General shall have been appointed.

(3) The Advocate-General shall receive such remuneration as the Governor may determine.

17. *Conduct of business of Provincial Government.* All executive action of the Government of a Province shall be expressed to be taken in the name of the Governor.

18. *Rules of business.* The Governor shall make rules for the more convenient transaction of the business of the Provincial Government and for the allocation of duties among Ministers.

CHAPTER II

The Provincial Legislature

19. *Constitution of Provincial Legislatures.* (1) There shall for every Province be a Provincial Legislature which will consist of the Governor and the Legislative Assembly; in the following Provinces, there shall, in addition, be a Legislative Council (here enumerate those Provinces, if any, which desire to have an Upper House).

(2) The representation of the different territorial constituencies in the

Legislative Assembly shall be on the basis of population and shall be on a scale of not more than one representative for every lakh of the population, subject to a minimum of 50 for any Province.

The elections to the Legislative Assembly shall be on the basis of adult suffrage, an adult being a person of not less than 21 years of age.

(3) Every Legislative Assembly of every Province, unless sooner dissolved, shall continue for four years from the date appointed for its first meeting.

(4) In any Province where the Legislature has an Upper House, the composition of that House shall be as follows:

(a) The total numerical strength of the Upper House should not exceed 25 per cent of that of the Lower House.

(b) There should be within certain limits functional representation in the Upper House on the lines of the Irish Constitution, the distribution being as follows:

one-half to be elected by functional representation on the Irish model;

one-third to be elected by the Lower House by proportional representation;

one-sixth to be nominated by the Governor on the advice of his Ministers.

[*Note:* Under the existing Constitution, Madras, Bombay, Bengal, the U.P., Bihar and Assam have 2 Houses and the rest 1. It was agreed that the members of the Constituent Assembly from each Province should vote separately and decide whether an Upper House should be instituted for the Province. There is to be no special representation in the Legislative Assembly either for universities, or for labour, or for women.]

20. *Composition of Provincial Legislatures, etc.* The provisions for the meeting, prorogation and dissolution of the Provincial Legislature, the relations between the two Houses (where there are two Houses), the mode of voting, the privileges of members, disqualification for membership, parliamentary procedure, including procedure in financial matters, etc., shall be on the lines of the corresponding provisions in the Act of 1935.

21. *Language.* In the Provincial Legislature, business shall be transacted in the Provincial language or languages or in Hindustani (Hindi or Urdu) or in English. The Chairman (where there is an Upper House) or the Speaker, as the case may be, shall make arrangements for giving the House, where he thinks fit, a summary of the speech in a language other than that used by the member and such summary shall be included in the record of the proceedings of the House.

22. *Franchise for the Provincial Legislature.* The Provincial Legislature may from time to time make provisions with respect to all or any of the following matters; that is to say,

- (a) the delimitation of territorial constituencies;
- (b) the qualifications for the franchise and the preparation of electoral rolls;
- (c) the qualifications for being elected as a member of either House;

- (d) the filling of casual vacancies in either House;
- (e) the conduct of elections under this Constitution and the methods of voting thereat;
- (f) the expenses of candidates at such elections;
- (g) corrupt practices and other offences at or in connection with such elections;
- (h) the decision of doubts and disputes arising out of or in connection with such elections;
- (i) matters ancillary to any such matter as aforesaid:

Provided

- (1) that no member of the Lower House shall be less than 25 years of age and no member of the Upper House shall be less than 35 years of age;
- (2) that the superintendence, direction, and control of elections, including the appointment of election tribunals, shall be vested in the Governor acting in his discretion.

CHAPTER III

Legislative Powers of the Governor

23. (1) If at any time when the Provincial Legislature is not in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require.

(2) An ordinance promulgated under this clause shall have the same force and effect as an Act of the Provincial Legislature assented to by the Governor, but every such ordinance

- (a) shall be laid before the Provincial Legislature and shall cease to operate at the expiration of six weeks from the reassembly of the Provincial Legislature, or if before the expiration of that period resolutions disapproving it are passed by the Legislature, upon the passing of the second of those resolutions; and
- (b) may be withdrawn at any time by the Governor.

(3) If and in so far as an ordinance under this clause makes any provision which the Provincial Legislature would not under this Constitution be competent to enact, it shall be void.

[*Note:* The ordinance-making power has been the subject of great criticism under the present Constitution. It must however be pointed out that circumstances may exist where the immediate promulgation of a law is absolutely necessary and there is no time in which to summon the Provincial Legislature. In 1925, Lord Reading found it necessary to make an ordinance

abolishing the cotton excise duty when such action was immediately and imperatively required in the interests of the country. The Governor who is elected by the people and who has normally to act on the advice of Ministers responsible to the Legislature is not at all likely to abuse any ordinance-making power with which he may be invested. Hence the proposed provision.]

CHAPTER IV

Excluded and Partially Excluded Areas

[The provisions of this Chapter cannot be framed until the Advisory Committee has reported.]

PART II: THE PROVINCIAL JUDICIARY

1. The provisions of the Government of India Act, 1935, relating to the High Court should be adopted *mutatis mutandis*; but judges should be appointed by the President of the Federation in consultation with the Chief Justice of the Supreme Court, the Governor of the Province, and the Chief Justice of the High Court of the Province (except when the Chief Justice of the High Court himself is to be appointed).

2. The judges of the High Court shall receive such emoluments and allowances as may be determined by Act of the Provincial Legislature and until then such as are prescribed in Schedule...

3. The emoluments and allowances of the judges shall not be diminished during their term of office.

PART III: PROVINCIAL PUBLIC SERVICE COMMISSION AND PROVINCIAL AUDITOR-GENERAL

Provisions regarding Public Service Commissions and Auditors-General should be inserted on the lines of the provisions of the Act of 1935. The appointment of the Chairman and members of each Provincial Public Service Commission and of the Auditor-General should be vested in the Governor in his discretion.

PART IV: TRANSITIONAL PROVISIONS

1. Any person holding office as Governor in any Province immediately before the commencement of this Constitution shall continue as such and shall be deemed to be the Governor of the Province under this Constitution until a successor, duly elected under this Constitution, assumes office.

2. There should be similar provisions, *mutatis mutandis*, in respect of the Council of Ministers, the Legislative Assembly and the Legislative Council (in Provinces which decide to have an Upper House).

[*Note:* These provisions are necessary in order that there may be a Legislature

[Note: This corresponds to s. 290 of the Act of 1935, but is wider in that it provides for the possibility of Indian State territory being included in a Province.]

SCHEDULE I

Territories subject to the jurisdiction of the Federation

- I. Governors' Provinces:
 - Madras
 - Bombay
 - West Bengal
 - The United Provinces
 - Bihar.
 - East Punjab
 - The Central Provinces and Berar
 - Assam
 - Orissa.
- II. Chief Commissioners' Provinces:
 - Delhi
 - Ajmer-Merwara
 - Coorg
 - The Andaman and Nicobar Islands
 - Panth Piploda.
- III. Indian States:
 - [Here enumerate the acceding or ratifying Indian States:
 - (1) Single States
 - (2) Groups of States.]

[The Governors' Provinces and the Chief Commissioners' Provinces specified in the Schedule will be automatically within the jurisdiction of the Federation of India. As regards Indian States, some procedure will have to be prescribed for determining which of them are to be included in the Schedule initially. Under the Act of 1935, accession was to be evidenced by "Instruments of Accession" executed by the Rulers. If it is considered undesirable to use this term or adopt this procedure, some kind of ratification may have to be prescribed.]

If any of the Provinces specified in the Schedule should be partitioned before the Constitution comes into operation, the Schedule will have to be amended accordingly.]

PART II: CITIZENSHIP

This Part is subject to the decision of the ad hoc Committee on Citizenship Clause.

1. *Citizenship.* At the date of commencement of this Constitution, every person domiciled in the territories subject to the jurisdiction of the Federation

- (a) who has been ordinarily resident in those territories for not less than five years immediately preceding that date, or
- (b) who, or whose parents, or either of whose parents, was or were born in India,

shall be a citizen of the Federation:

Provided that any such person being a citizen of any other state may, in accordance with Federal law, elect not to accept the citizenship hereby conferred.

Explanation: For the purposes of this clause, "Domicile" has the same meaning as in the Indian Succession Act, 1925.

2. After the commencement of this Constitution,

- (a) every person who is born in the territories subject to the jurisdiction of the Federation;
- (b) every person who is naturalised in accordance with Federal law; and
- (c) every person, either of whose parents was, at the time of such person's birth, a citizen of the Federation

shall be a citizen of the Federation.

3. Further provisions governing the acquisition and termination of Federal citizenship may be made by Federal law.

Explanation: In this Constitution, unless the context otherwise requires, "Federal law" includes any existing Indian law as in force within the territories subject to the jurisdiction of the Federation.

[*Note:* The provisions regarding citizenship will doubtless rouse keen controversy. The present draft is merely meant as a basis for discussion. Cf. Art. 3 of the Constitution of the Irish Free State, 1922, which runs:

Every person, without distinction of sex, domiciled in the area of the jurisdiction of the Irish Free State at the time of the coming into operation of this Constitution, who was born in Ireland or either of whose parents was born in Ireland, or who has been ordinarily resident in the area of the jurisdiction of the Irish Free State for not less than seven years, is a citizen of the Irish Free State and shall, within the limits of the jurisdiction of the Irish Free State, enjoy the privileges and be subject to the obligations of such citizenship:

Provided that any such person being a citizen of another state may elect not to accept the citizenship hereby conferred; and the conditions governing the future acquisition and termination of citizenship in the Irish Free State shall be determined by law.]

Clause 1 is on the lines of the above provision, except that a period of five years has been substituted for seven years in accordance with s. 3 (1) (c) of the Indian Naturalisation Act (VII of 1926).

The clause has had to be drafted with due regard to the probability that the

Federation will not initially exercise jurisdiction over the whole of India.

A person born in India and domiciled in Bombay, who happens to be resident in London at the commencement of the new Constitution, will be a citizen of the Federation under this clause; but not one domiciled in Sind or Baluchistan, if the Federation does not initially exercise jurisdiction there. It is, however, open to any person to acquire a new domicile by taking up his fixed habitation in another area before the Constitution comes into operation.

Under the Indian Succession Act, 1925, every person has a "domicile of origin" which prevails until he acquires a new domicile. Briefly, his domicile of origin is in the country in which at the time of his birth his father was domiciled, and he can acquire a new domicile by taking up his fixed habitation in another country. There is also a provision in the Act enabling any person to acquire a domicile in British India by making and depositing in some office in British India, appointed in this behalf by the Provincial Government, a declaration in writing of his desire to acquire such domicile: provided that he has been resident in British India for one year preceding the date of the declaration. Generally speaking, a wife's domicile during her marriage follows the domicile of her husband. If any person who is at present domiciled, say, in Hyderabad, wishes to acquire a domicile, say, in Delhi, before the coming into operation of this Constitution, he can do so either by taking up his fixed habitation in Delhi or by following the procedure prescribed in the above provision of the Indian Succession Act, so that at the date of commencement of the Constitution he will become domiciled "in the territories subject to the jurisdiction of the Federation".

Clauses 2 and 3 follow the provisions suggested by the ad hoc Committee; clause 2 is not necessary if we are content to leave the matter to Federal law under clause 3. In this connection, there is much to be said in favour of the view of the *Calcutta Weekly Notes*:

It is not possible to define exhaustively the conditions of nationality, whether by birth or naturalisation, by the Constitution. If certain conditions are laid down by the Constitution, difficulties may arise regarding the interpretation of future legislation which may appear to be contrary to or to depart in any way from them. For example, the draft of the nationality clause placed before the Constituent Assembly lays down that any person born in the Union would be a citizen of the Union. But what about a woman citizen of the Union marrying an alien national or about an alien woman marrying a Union national? Would the Union Legislature have power to legislate in the first case that the woman would lose her Union nationality or in the second case that she would acquire Union nationality (such being the law of most of the countries)? These are intriguing questions, but all these things have to be pondered before a rigid clause is inserted in the Constitution itself. It would, in our opinion, therefore, be better to specify who would be citizens of the Indian Union at the date when the Constitution comes into force as in the Constitution of the Irish Free

State and leave the law regarding nationality to be provided for by legislation by the Indian Union in accordance with the accepted principles of Private International Law. (*Calcutta Weekly Notes*, Vol. LI, No. 27, May 26, 1947.)

The same journal in two subsequent issues (Vol. LI, Nos. 28 and 29, June 2 and June 9, 1947), has drawn attention to a host of other questions arising out of clause 2 and on the whole it may be better altogether to omit that clause, leaving the matter at large to be regulated by Federal law under clause 3.]

PART III: FUNDAMENTAL RIGHTS INCLUDING DIRECTIVE PRINCIPLES OF STATE POLICY

1. *Fundamental rights.* [Here enumerate the Fundamental Rights and Principles of State Policy as passed by the Constituent Assembly.]

PART IV

CHAPTER I

The Federal Executive

1. *Head of the Federation.* (1) The Head of the Federation shall be the President (Rashtrapati) to be elected as provided below.

2. The election shall be by an electoral college consisting of

- (a) the members of both Houses of Parliament of the Federation, and
- (b) the members of the Legislatures of all the Units or, where a Legislature is bicameral, the members of the Lower House thereof.

In order to secure uniformity in the scale of representation of the Units, the votes of the Unit Legislatures shall be weighted in proportion to the population of the Units concerned.

Explanation: A Unit means a Province or Indian State which returns in its own individual right members to the Federal Parliament. In Indian States which are grouped together for the purpose of returning representatives to the Council of States, a Unit means the group so formed and the Legislature of the Unit means the Legislatures of all the States in that group.

(3) The election of the President shall be by secret ballot and on the system of proportional representation by means of the single transferable vote.

(4) Subject to the above provisions, elections for the office of President shall be regulated by Act of the Federal Parliament.

[*Note:* The provision about weighting of the votes according to the population of the Units is necessary to prevent the swamping of the votes of a large Unit by those of a much smaller Unit which may happen to have a relatively large Legislature. The mode of weighting may be illustrated thus. In a Legislature where each legislator represents 1 lakh (100,000) of the population, his vote shall

count as equivalent to 100, that is, 1 for each 1,000 of the population; and where the Legislature is such that the legislator represents 10,000 of the population, his vote shall count as equivalent to 10 on the same scale.]

2. *Term of office of President.* (1) The President shall hold office for 5 years: Provided that

- (a) a President may by resignation under his hand addressed to the Chairman of the Council of States and the Speaker of the House of the People resign his office;
- (b) a President may, for violation of the Constitution, be removed from office by impeachment in the manner provided in sub-clause (2).

(2)(a) When a President is to be impeached for violation of the Constitution, the charge shall be preferred by either House of the Federal Parliament, but no proposal to prefer such charge shall be adopted by that House except upon a resolution of the House supported by not less than two-thirds of the total membership of the House.

(b) When a charge has been so preferred by either House of the Federal Parliament the other House shall investigate the charge or cause the charge to be investigated and the President shall have the right to appear and to be represented at such investigation.

(c) If as a result of the investigation a resolution is passed supported by not less than two-thirds of the total membership of the House by which the charge was investigated or caused to be investigated declaring that the charge preferred against the President has been sustained, the resolution shall have the effect of removing the President from his office as from the date of the resolution.

(3) A person who holds, or who has held, office as President shall be eligible for re-election once, but only once.

[*Note:* Sub-clauses (1) (b) and (2) follow Art. 12(10) of the Irish Constitution; sub-clause (3) is also taken from the Irish Constitution.]

3. *Age qualification.* Every citizen of the Federation who has completed the age of thirty-five years and is qualified for election as a member of the House of the People shall be eligible for election as President.

[*Note:* This follows Art. 11, section 1 (5), of the Constitution of the U.S.A. and Article 12 (4) of the Irish Constitution.]

4. *Conditions of President's office.* (1) The President shall not be a member of either House of the Federal Parliament and if a member of either House be elected President, he shall be deemed to have vacated his seat in that House.

(2) The President shall not hold any other office or position of emolument.

(3) The President shall have an official residence and shall receive such emoluments and allowances as may be determined by Act of the Federal Parliament and, until then, such as are prescribed in Schedule . . .

(4) The emoluments and allowances of the President shall not be diminished during his term of office.

[*Note:* These follow the provisions of Articles 12 (6) and (11) of the Irish Constitution.]

5. *Casual vacancies and procedure at elections.* Appropriate provision should be made for elections to fill casual vacancies, the detailed procedure for all elections, whether casual or not, being left to be regulated by Act of the Federal Parliament:

Provided that

- (a) an election to fill a casual vacancy shall be held as soon as possible after and in no case later than six months from the date of occurrence of the vacancy; and
- (b) the person elected as President at an election to fill a casual vacancy shall be entitled to hold office for the full term of five years.

6. *Vice-President.* (1) In the event of the absence of the President or of his death, resignation, removal from office, or incapacity or failure to exercise and perform the powers and functions of his office or at any time at which the office of the President may be vacant, his functions shall be discharged by the Vice-President pending the resumption by the President of his duties or the election of a new President, as the case may be.

(2) The Vice-President shall be elected by both Houses of the Federal Parliament in joint session by secret ballot on the system of proportional representation by means of the single transferable vote and shall be ex-officio President of the Council of States.

(3) The Vice-President shall hold office for 5 years.

7. *Functions of the President.* (1) Subject to the provisions of this Constitution the executive authority of the Federation shall be vested in the President.

(2) Without prejudice to the generality of the foregoing provision,

- (a) the supreme command of the defence forces of the Federation shall be vested in the President;
- (b) the right of pardon and the power to commute or to remit punishment imposed by any court exercising criminal jurisdiction shall be vested in the President, but such power of commutation or remission may also be conferred by law on other authorities.

[*Note:* The underlined words in sub-clause 2 (b) are necessary, because of the provisions of the Criminal Procedure Code, which, in this respect, will probably continue to be in force even after the commencement of the new Constitution. Similar limiting words occur in the Irish Constitution also.]

8. *Extent of executive authority of the Federation.* Subject to the provisions of this Constitution, the executive authority of the Federation shall extend to the matters with respect to which the Federal Parliament has power to make laws and to any other matters with respect to which authority has been conferred on the Federation by any treaty or agreement, and shall be exercised either through

its own agency or through the Units.

9. The executive authority of the Ruler of a Federated State shall continue to be exercisable in that State with respect to Federal subjects, until otherwise provided by the appropriate Federal authority.

[*Note:* Like the corresponding provision in section 8 (2) of the Act of 1935, this clause gives the Rulers of Indian States, who have acceded to the Federation, concurrent executive power even in Federal subjects, until otherwise provided by Federal authority. (In this respect, the position of the Provincial units is rather different; these have no executive power in respect of Federal subjects save as given by Federal law.) Such a clause is necessary, for, otherwise, all statutory powers in respect of Federal subjects will come to an end in the acceding States upon the commencement of this Constitution.]

10. *Council of Ministers.* There shall be a Council of Ministers with the Prime Minister at the head, to aid and advise the President in the exercise of his functions.

11. *Advocate-General for the Federation.* The President shall appoint a person, being one qualified to be appointed a judge of the Supreme Court, to be Advocate-General for the Federation, to give advice to the Federal Government upon legal matters that may be referred to him.

12. *Conduct of business of the Federal Government.* All executive action of the Federal Government shall be expressed to be taken in the name of the President.

CHAPTER II

The Federal Parliament

13. *Constitution of the Federal Parliament.* The legislative power of the Federation shall be vested in the Parliament of the Federation which shall consist of the President and the National Assembly, comprising two Houses, the Council of States and the House of the People.

14. (1) (a) The Council of States shall consist of

- (i) not more than 10 members nominated by the President in consultation with universities and scientific bodies;
- (ii) representatives of the Units on the scale of 1 representative for every whole million of the population of the Unit up to 5 millions *plus* 1 representative for every additional 2 millions of the population, subject to a total maximum of 20.

Explanation: A Unit means a Province or Indian State which returns in its own individual right members to the Federal Parliament. In Indian States which are grouped together for the purpose of returning representatives to the Council of States, a Unit means the group so formed.

(b) The representatives of each Unit in the Council of States shall be elected by the members of the Lower House of the Legislature of such Unit.

(c) The House of the People shall consist of representatives of the people of the territories of the Federation in the proportion of not less than 1 representative for every million of the population and not more than 1 representative for every 750,000 of the population.

(d) The ratio between the number of members to be elected at any time for each constituency and the population of that constituency, as ascertained at the last preceding census shall, as far as practicable, be the same throughout the territories of the Federation.

(2) The said representatives shall be chosen in accordance with the provisions in that behalf contained in Schedule . . .

Provided that the elections to the House of the People shall be on the basis of adult suffrage.

(3) Upon the completion of each decennial census, the representation of the several Provinces and Indian States or groups of Indian States in the two Houses shall be readjusted by such authority, in such manner, and from such time as the Federal Parliament may by Act determine.

(4) The Council of States shall be a permanent body not subject to dissolution, but, as near as may be, one-third of the members thereof shall retire in every second year in accordance with the provisions in that behalf contained in Schedule . . .

(5) The House of the People, unless sooner dissolved, shall continue for four years from the date appointed for its first meeting and no longer, and the expiration of the said period of four years shall operate as a dissolution of the House:

Provided that the said period may, during an emergency, be extended by the President for a period not exceeding one year at a time and not exceeding in any case beyond the period of six months from the expiry of the period of the emergency.

[Note: Taking into account only the "willing" Provinces, this clause gives the Council of States a maximum strength of about 200 members and the House of the People a maximum strength of between 300 and 400 members. The following tabular statement will serve to give a general picture of the composition of the Upper House under the above scheme. (The composition of the Lower House will be on a purely population basis.)]

Council of States

Provinces:

Madras	20
Bombay	12
Bengal (W)	12
U.P.	20

Punjab (E)	9
Bihar	20
C.P.	10
Assam	7
Orissa	6

Total	<u>116</u>
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States:

Hyderabad	10
Mysore	6
Travancore	5
Baroda	3
Gwalior	4
Jaipur	3
Kashmir	4
Jodhpur	2
Udaipur	2
Patiala	2
Rewa	2
Cochin	1
Bikaner	1
Kolhapur	1
Indore	1

Total	<u>47</u>
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For the groups of the remaining States whose population individually does not amount to one million	<u>24</u>
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Total	<u>71</u>
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15. There should be the usual provisions for the summoning, prorogation and dissolution of Parliament, for regulating the relations between the two Houses, the mode of voting, privileges of members, disqualification for membership, Parliamentary procedure, including procedure in financial matters. In particular, money Bills must originate in the Lower House. The Upper House should have power to suggest amendments in money Bills; the Lower House would consider them and thereafter, whether they accept the amendments or not, the Bill as amended (where the amendments are accepted) or in its original form (where the amendments are not accepted) shall be presented to the President for assent and, upon his assent, shall become law. If there is any difference of opinion as to whether a Bill is a money Bill or not, the decision of the Speaker of the House of the People should be final. Except in the case of money Bills both the Houses should have equal powers of legislation and deadlocks should be

resolved by joint meetings of the two Houses. The President should have the power of returning Bills which have been passed by the National Assembly for reconsideration within a period of six months.

16. *Language.* In the Federal Parliament, business shall be transacted in Hindustani (Hindi or Urdu) or English, provided that the Chairman or the Speaker, as the case may be, may permit any member who cannot adequately express himself in either language to address the House in his mother tongue. The Chairman or the Speaker, as the case may be, shall make arrangements for giving the House, whenever he thinks fit, a summary of the speech in a language other than that used by the member and such summary shall be included in the record of the proceedings of the House.

[*Note:* This follows the corresponding provision in the Constituent Assembly Rules.]

CHAPTER III

Legislative Powers of the President

17. *Power of President to promulgate ordinances during recess of Parliament.*

(1) If at any time when the Federal Parliament is not in session the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require.

(2) An ordinance promulgated under this section shall have the same force and effect as an Act of the Federal Parliament assented to by the President, but every such ordinance

- (a) shall be laid before the Federal Parliament and shall cease to operate at the expiration of six weeks from the reassembly of the Federal Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the record of these resolutions; and
- (b) may be withdrawn at any time by the President.

(3) If and so far as an ordinance under this section makes any provision which the Federal Parliament would not under this Constitution be competent to enact, it shall be void.

[*Note:* The ordinance-making power has been the subject of great criticism under the present Constitution. It must however be pointed out that circumstances may exist where the immediate promulgation of a law is absolutely necessary and there is no time in which to summon the Federal Parliament. In 1925, Lord Reading found it necessary to make an ordinance suspending the cotton excise duty when such action was immediately and imperatively required in the interests of the country. A democratically elected President who has moreover to act on the advice of Ministers responsible to

Parliament is not at all likely to abuse any ordinance-making power with which he may be invested. Hence the proposed provision.]

CHAPTER IV

The Federal Judicature

18. *Supreme Court.* There shall be a Supreme Court with the constitution, powers and jurisdiction recommended by the ad hoc Committee on the Union Judiciary, except that a judge of the Supreme Court shall be appointed by the President after consulting the Chief Justice and such other judges of the Supreme Court as also such judges of the High Courts as may be necessary for the purpose.

[*Note:* The ad hoc Committee on the Supreme Court has observed that it will not be expedient to leave the power of appointing judges of the Supreme Court to the unfettered discretion of the President of the Federation. They have suggested two alternatives, both of which involve the setting up of a special panel of eleven members. According to one alternative, the President, in consultation with the Chief Justice, is to nominate a person for appointment as puisne judge and the nomination has to be confirmed by at least seven members of the panel. According to the other alternative, the panel should recommend three names, out of which the President, in consultation with the Chief Justice, is to select one for the appointment. The provision suggested in the above clause follows the decision of the Union Constitution Committee.]

CHAPTER V

Auditor-General of the Federation

19. *Auditor-General.* There shall be an Auditor-General of the Federation who shall be appointed by the President and shall only be removed from office in like manner and on the like grounds as a judge of the Supreme Court.

20. *Functions of Auditor-General.* The duties and powers of the Auditor-General shall follow the lines of the corresponding provisions in the Act of 1935.

CHAPTER VI

Services

21. *Public Service Commission.* There shall be a Public Service Commission for the Federation whose composition and functions shall follow the lines of the corresponding provisions in the Act of 1935, except that the appointment of the Chairman and the members of the Commission shall be made by the President on the advice of his Ministers.

22. Provision should be made for the creation of All-India Services whose recruitment and conditions of service will be regulated by Federal law.

CHAPTER VII

Elections

23. *Elections to the Federal Parliament.* Subject to the provisions of this Constitution, the Federal Parliament may, from time to time, make provision with respect to all matters relating to or connected with elections to either House of the Federal Legislature including the delimitation of constituencies.

24. *Superintendence, direction and control of elections.* The superintendence, direction and control of all elections, whether Federal or Provincial, held under this Constitution including the appointment of election tribunals for decision of doubts and disputes arising out of or in connection with such elections shall be vested in a Commission to be appointed by the President.

PART V: DISTRIBUTION OF LEGISLATIVE POWERS BETWEEN THE FEDERATION AND THE UNITS

The provisions to be inserted under this head will depend upon the decisions that may be taken upon the report of the Union Powers Committee. The Union Constitution Committee has, however, decided that

- (1) the Constitution should be a Federal structure with a strong Centre;
- (2) there should be three exhaustive legislative lists, *viz.*, Federal, Provincial and Concurrent, with residuary powers to the Centre;
- (3) the States should be on a par with the Provinces as regards the Federal Legislative list subject to the consideration of any special matter which may be raised when the lists have been fully prepared.

PART VI: ADMINISTRATIVE RELATIONS BETWEEN THE FEDERATION AND THE UNITS

1. The Federal Parliament in legislating for an exclusively Federal subject may devolve upon the Government of a Unit, whether a Province, an Indian State or other area, or upon any officer of that Government, the exercise on behalf of the Federal Government of any functions in relation to that subject.

2. (1) It will be the duty of the Government of a Unit so to exercise its executive power and authority in so far as it is necessary and applicable for the purpose as to secure that due effect is given within the Unit to every Act of the Federal Parliament which applies to that Unit; and the authority of the Federal Government will extend to the giving of directions to a Unit Government to that end.

(2) The authority of the Federal Government will also extend to the giving of directions to the Unit Government as to the manner in which the latter's executive power and authority should be exercised in relation to any matter which affects the administration of a Federal subject.

[*Note:* Cf. sections 122, 124 and 126 of the Government of India Act, 1935.]

PART VII: FINANCE AND BORROWING POWERS

1. Revenues derived from sources in respect of which the Federal Parliament has exclusive power to make laws will be allocated as Federal revenues, but in the cases specified in the next succeeding paragraph the Federation will be empowered or required to make assignments to Units from Federal revenues.

2. Provision should be made for the levy and, if necessary, distribution of the following taxes, viz., customs, Federal excises, export duties, death duties and taxes on income other than agricultural income and taxes on companies.

3. The Federal Government will have power to make subventions or grants out of Federal revenues for any purpose, notwithstanding that the purpose is not one with respect to which the Federal Parliament may make laws.

4. The Federal Government will have power to borrow for any of the purposes of the Federation upon the security of Federal revenues subject to such limitations and conditions as may be fixed by Federal law.

5. The Federal Government will have power to grant a loan to, or guarantee a loan by, any Unit of the Federation on such terms and under such conditions as it may prescribe.

[*Note:* Cf. sections 136 to 140, 162 and 163 (2) of the Government of India Act, 1935.]

PART VIII: DIRECTLY ADMINISTERED AREAS

1. The Chief Commissioners' Provinces should continue to be administered by the Centre as under the Government of India Act, 1935, as an interim measure, the question of any change in the system being considered subsequently, and all Centrally administered areas including the Andamans and the Nicobar Islands should be specifically mentioned in the Constitution.

2. Appropriate provision should be made in the Constitution for the administration of tribal areas.

[*Note:* The provision to be made regarding tribal areas should incorporate the scheme for the administration of such areas as approved by the Constituent Assembly on the report of the Advisory Committee.]

PART IX: MISCELLANEOUS

The provisions for the protection of minorities as approved by the Constituent Assembly on the report of the Advisory Committee should be incorporated in the Constitution.

PART X: AMENDMENT OF THE CONSTITUTION

An amendment to the Constitution may be initiated in either House of the Federal Parliament and when the proposed amendment is passed in each House by a majority of not less than two-thirds of the members of that House present and voting and is ratified by the legislatures of not less than one-half of the Units of the Federation, it shall be presented to the President for his assent; and upon such assent being given, the amendment shall come into operation.

Explanation: "Unit" in this clause has the same meaning as in clause 14 of Part IV. Where a Unit consists of a group of States, a proposed amendment shall be deemed to be ratified by the legislature of the Unit, if it is ratified by the majority of the legislatures of the States in the group.

PART XI: TRANSITIONAL PROVISIONS

1. The Government of the Federation shall be the successor to the Government of India established under the Government of India Act, 1935, as regards all property, assets, rights and liabilities.

[If, before the commencement of this Constitution, two successor Governments should be set up in India, this clause may have to be amended, inasmuch as there may be a division of assets and liabilities.]

2. (1) Subject to this Constitution, the laws in force in the territories of the Federation immediately before the commencement of the Constitution shall continue in force therein until altered, or repealed, or amended by a competent legislature or other competent authority.

(2) The President may by order provide that as from a specified date any law in force in the Provinces shall, until repealed or amended by competent authority, have effect subject to such adaptations and modifications as appear to him to be necessary or expedient for bringing the provisions of that law into accord with the provisions of this Constitution.

3. Until the Supreme Court is duly constituted under this Constitution, the Federal Court shall be deemed to be the Supreme Court and shall exercise all the functions of the Supreme Court:

Provided that all cases pending before the Federal Court and the Judicial Committee of the Privy Council at the date of commencement of this Constitution may be disposed of as if this Constitution had not come into operation.

4. Excepting holders of the offices specified in Schedule . . . every person who, immediately before the date of the commencement of this Constitution, was in the service of the Crown in India, including any judge of the Federal Court or of any High Court, shall on that date be transferred to the appropriate service of the Federation or the Unit concerned and shall hold office by a tenure corresponding to his previous tenure.

[*Note:* Under the next succeeding clause there will be a provisional President

from the commencement of the new Constitution, so that there will be no room for a Governor-General. Similarly, in the Provinces there will be no room for any Governor appointed by His Majesty. The same may be true of the holders of certain other offices. All such offices may be enumerated in a Schedule. The proposed provision applies to persons holding offices other than those mentioned in the Schedule. Cf. Article 77 of the Transitory Provisions of the Constitution of the Irish Free State, 1922, reproduced below:

Every existing officer of the Provisional Government at the date of the coming into operation of this Constitution (not being an officer whose services have been lent by the British Government to the Provisional Government) shall on that date be transferred to and become an officer of the Irish Free State (Saorstát Eireann) and shall hold office by a tenure corresponding to his previous tenure.]

5. (1) Until both the Houses of the National Assembly have been duly constituted and summoned under this Constitution, the Constituent Assembly shall itself exercise all the powers and discharge all the duties of both the Houses.

Explanation: For the purposes of this sub-clause, the Constituent Assembly shall not include any members representing territories not included in Schedule I.

(2) Such person as the Constituent Assembly shall have elected in this behalf shall be the provisional President of the Federation until a President has been elected as provided in Part IV of this Constitution.

(3) Such persons as shall have been appointed in this behalf by the provisional President shall be the provisional Council of Ministers until Ministers are duly appointed as provided in Part IV of this Constitution.

[*Note:* It is essential that on the date of commencement of this Constitution there should be a Legislature and an Executive ready to take over power. The most practicable course is that the Constituent Assembly should itself be the provisional Legislature. The clause regarding the provisional Executive is consequential. These provisions may however require modification after the passing of the new Dominion Act amending the Government of India Act, 1935.]

6. As there may be unforeseen difficulties during the transitional period, there should be a clause in the Constitution on the following lines:

The Federal Parliament may, notwithstanding anything contained in Part X, by Act

- (a) direct that this Constitution, except the provisions of the said Part and of this clause, shall, during such period, if any, as may be specified in the Act, have effect subject to such adaptations and modifications as may be so specified;
- (b) make such other provisions for the purpose of removing any such difficulties as aforesaid as may be specified in the Act.

No act shall be made under this clause after the expiration of three years from

the commencement of this Constitution.

[*Note:* The removal-of-difficulties clause is now quite usual: see, for example, section 310 of the Government of India Act, 1935. The period of three years has been borrowed from Article 51 of the Irish Constitution. This clause will make the process of amendment comparatively easy during the first three years.]

Appendix:

REPORT OF THE AD HOC COMMITTEE OF THE CONSTITUENT ASSEMBLY ON THE SUPREME COURT

New Delhi
21 May 1947

We, the undersigned members of the Committee appointed to consider the constitution and powers of the Supreme Court, have the honour to submit this our report.

2. We consider the question under the following heads:

- I. Jurisdiction and powers of the Supreme Court.
- II. Advisory jurisdiction of the Court.
- III. Ancillary powers of the Court.
- IV. Constitution and strength of the Court.
- V. Qualifications and mode of appointment of judges.
- VI. Tenure of office and conditions of service of judges.

1. Jurisdiction and Powers of the Supreme Court

3. A Supreme Court with jurisdiction to decide upon the constitutional validity of acts and laws can be regarded as a necessary implication of any federal scheme. This jurisdiction need not however belong exclusively to the Supreme Court. Even under the existing Indian Constitution, the question of the validity of acts and laws is permitted to be raised in any court whenever that question arises in a litigation before that court.

4. A Supreme Court for certain purposes being thus a necessity, we consider that the Court may well be given the following additional powers under the new Indian Constitution:

- (a) Exclusive jurisdiction in disputes between the Union and a Unit or between one Unit and another

5. The Supreme Court is the best available forum for the adjudication of such disputes, and its jurisdiction should be exclusive.

(b) Jurisdiction with respect to matters arising out of treaties made by the Union

6. The treaty-making power belongs to the Union as part of the subject of 'Foreign Affairs'. It would therefore be appropriate to invest the Supreme Court of the Union with jurisdiction to decide finally, though not necessarily in the first instance, upon all matters arising out of treaties including extradition between the Union and a foreign state. At this stage we do not deal with inter-Unit extradition, because this will depend upon the ultimate distribution of powers between the Union and the Units.

(c) Jurisdiction in respect of such other matters within the competence of the Union as the Union Legislature may prescribe

7. If the Union Legislature is competent to legislate on a certain matter, it is obviously competent to confer judicial power in respect of that matter on a tribunal of its own choice; and if it chooses the Supreme Court for the purpose, the Court will have the jurisdiction so conferred.

(d) Jurisdiction for the purpose of enforcing the Fundamental Rights guaranteed by the Constitution

8. Clause 22 of the draft of the Fundamental Rights provides that the right to move the Supreme Court by appropriate proceedings for the enforcement of fundamental rights is guaranteed. We think, however, that it is undesirable to make the jurisdiction of the Supreme Court in such matters exclusive. The citizen will practically be denied these fundamental rights if, whenever they are violated, he is compelled to seek the assistance of the Supreme Court as the only Court from which he can obtain redress. Where there is no other Court with the necessary jurisdiction, the Supreme Court should have it; where there is some other Court with the necessary jurisdiction, the Supreme Court should have appellate jurisdiction, including powers of revision.

(e) General appellate jurisdiction similar to that now exercised by the Privy Council

9. Under the new Constitution the jurisdiction of the Privy Council as the ultimate appellate authority will disappear and it is obviously desirable that a similar jurisdiction should now be conferred on the Supreme Court. So far as the British Indian Units are concerned, this jurisdiction should be co-extensive with the present jurisdiction of the Privy Council. As regards the Indian State Units, there are at least two classes of cases where, in the interests of uniformity, it is clearly desirable that the final decision should rest with the Supreme Court, namely,

- (1) cases involving the interpretation of a law of the Union, and
- (2) cases involving the interpretation of a law of a Unit other than the State concerned.

Sir B.L. Mitter suggests that such uniformity can be obtained either by invoking the appellate authority of the Supreme Court or by a reference of the particular issue to the Supreme Court. Cases involving the constitutional validity of a law of the Union or of any Unit have already been dealt with; they will all necessarily fall within the Supreme Court's jurisdiction.

10. It will also, of course, be open to any Indian State Unit to confer by special agreement additional jurisdiction upon the Supreme Court in respect of such matters as may be specified therein.

II. *Advisory Jurisdiction of the Court*

11. There has been considerable difference of opinion amongst jurists and political thinkers as to the expediency of placing on the Supreme Court an obligation to advise the Head of the State on difficult questions of law. In spite of arguments to the contrary, it was considered expedient to confer advisory jurisdiction upon the Federal Court under the existing Constitution by section 213 of the Act. Having given our best consideration to the arguments pro and con, we feel that it will be on the whole better to continue this jurisdiction even under the new Constitution. It may be assumed that such jurisdiction is scarcely likely to be unnecessarily invoked and if, as we propose, the Court is to have a strength of ten or eleven judges a pronouncement by a full Court may well be regarded as authoritative advice. This can be ensured by requiring that references to the Supreme Court for advice shall be dealt with by a full Court.

III. *Ancillary Powers of the Court*

12. Power should be conferred upon the Supreme Court as under section 214 of the Act of 1935 to make rules of procedure to regulate its work and provisions similar to those contained in Order 45 of the Civil Procedure Code should be made available so as to facilitate the preparation of the record in appeals to the Supreme Court as well as the execution of its decrees. It does not seem to us necessary to continue the restriction now placed on the Federal Court by section 209 of the Act of 1935. If the Supreme Court takes the place of the Privy Council, it may well be permitted to pronounce final judgements and final decrees in cases where this is possible or to remit the matter for further inquiry to the Courts from which the appeal has been preferred where such further inquiry is considered necessary. Provision must also be made on the lines of section 210 of the Act of 1935 giving certain inherent powers to the Supreme Court.

IV. *Constitution and Strength of the Court*

13. We think that the Supreme Court will require at least two Division Benches and as we think that each Division Bench should consist of five judges, the Court will require ten judges in addition to the Chief Justice, so as to provide for possible absences or other unforeseen circumstances. Moreover, one of the judges may be required to deal with many miscellaneous matters incidental to appellate jurisdiction (including revisional and referential jurisdiction).

V. *Qualifications and Mode of Appointment of Judges*

14. The qualifications of the judges of the Supreme Court may be laid down on terms very similar to those in the Act of 1935 as regards the judges of the Federal Court, the possibility being borne in mind (as in the Act of 1935) that judges of the superior courts even from the States which may join the Union may be found fit to occupy a seat in the Supreme Court. We do not think that it will be expedient to leave the power of appointing judges of the Supreme Court to the unfettered discretion of the President of the Union. We recommend that either of the following methods may be adopted. One method is that the President should in consultation with the Chief Justice of the Supreme Court (so far as the appointment of puisne judges is concerned) nominate a person whom he considers fit to be appointed to the Supreme Court and the nomination should be confirmed by a majority of at least 7 out of a panel of 11 composed of some of the Chief Justices of the High Courts of the constituent Units, some members of both the Houses of the Central Legislature and some of the law officers of the Union. The other method is that the panel of 11 should recommend three names out of which the President, in consultation with the Chief Justice, may select a judge for the appointment. The same procedure should be followed for the appointment of the Chief Justice. To ensure that the panel will be both independent and command confidence, the panel should not be an ad hoc body but must be one appointed for a term of years.

VI. *Tenure of Office and Conditions of Service of Judges*

15. The tenure of office of the judges of the Supreme Court will be the same as that of Federal Court judges under the present Constitution Act and their age of retirement also may be the same (65). Their salary and pensions may be provided for by statutory rules. It is undesirable to have temporary judges in the highest Court in the land. Instead of having temporary judges, the system of having some ad hoc judges out of a panel of Chief Justices or judges of the High Courts may be adopted. In this connection we invite attention to the Canadian practice as embodied in section 30 of the Canadian Supreme Court Act. The section runs as follows:

30. *Appointment of ad hoc judge.* If at any time there should not be a quorum of the judges of the Supreme Court available to hold or continue any session of the Court, owing to a vacancy or vacancies, or to the absence through illness or on leave or in the discharge of other duties assigned by statute or order in council, or to the disqualification of a judge or judges, the Chief Justice, or, in his absence, the senior puisne judge, may in writing request the attendance at the sittings of the Court, as an ad hoc judge, for such period as may be necessary, of a judge of the Exchequer Court, or, should the judges of the said court be absent from Ottawa or for any reason unable to sit, of a judge of a provincial superior court to be designated in writing by the Chief Justice or in his absence by any acting Chief Justice or the senior puisne judge of such provincial court upon such request being made to him in writing.

* * * * *

4. *Duties.* It shall be the duty of the judge whose attendance has been so requested or who has been so designated in priority to other duties of his office, to attend the sittings of the Supreme Court at the time and for the period for which his attendance shall be required, and while so attending he shall possess the powers and privileges and shall discharge the duties of a puisne judge of the Supreme Court.

16. Not all the recommendations that we have made need find a place in the Constitution Act. The main features may be embodied in the Constitution Act and detailed provisions in a separate Judiciary Act to be passed by the Union Legislature. The form of procedure in the Supreme Court, e.g., for the enforcement of fundamental rights may also be provided for in the Judiciary Act. We may point out that the prerogative writs of mandamus, prohibition and certiorari have been abolished in England by a statute of 1938. Corresponding orders have been substituted and the Supreme Court of Judicature has been empowered to make rules of court prescribing the procedure in cases where such orders are sought. [See sections 7-10 of the Administration of Justice (Miscellaneous Provisions) Act, 1938.]

17. We understand our terms of reference to relate only to the constitution and powers of the Supreme Court. We have, therefore, said nothing about the High Courts of the Units, although we have had to refer to them incidentally in some of our suggestions relating to the Supreme Court.

S. Vardachariar
A. Krishnaswami Ayyar
B.L. Mitter
K.M. Munshi
B.N. Rau

4. *Supplementary Report of the Union Constitution Committee (presented on 21 July 1947)*

(From Jawaharlal Nehru, Chairman, Union Constitution Committee, to the President, Constituent Assembly of India)

Council House, New Delhi
The 13th July 1947

Dear Sir,

1. On behalf of the members of the Committee appointed by you in pursuance of the resolution of the Constituent Assembly of the 30th April 1947, I submitted a memorandum embodying the recommendations of the Committee.

2. The Committee met again on the 12th July 1947, and decided on certain modifications to be made in the said memorandum. I have the honour to submit this supplementary report containing these recommendations.

3. In the opinion of the Committee, clause 3 of the memorandum should contain the following additional sub-clause to enable the Federal Parliament to alter the name of any Unit, namely:

(e) alter the name of any Unit.

4. The Committee is of opinion that the following should be added to sub-clause (2) of clause 6 of Chapter I of Part IV of the memorandum to make it clear that if a member of the Council of States is elected as Vice-President he shall vacate his seat as such member, namely:

and if a member of the Federal Parliament is elected to be the Vice-President, he shall vacate his seat as such member.

5. The Committee is further of the opinion that Part X of the memorandum on the Indian Constitution should be replaced by the following:

PART X: AMENDMENT OF THE CONSTITUTION

The amendment of the Constitution may be initiated in either House of the Federal Parliament and when the proposed amendment is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President for his assent; and upon such assent being given the amendment shall come into operation:

Provided that if such amendment is in respect of any provision of the Constitution relating to all or any of the following matters, namely:

- (a) any change in the Federal Legislative List,
- (b) representation of Units in the Federal Parliament, and
- (c) powers of the Supreme Court,

it will also require to be ratified by the legislatures of Units representing a majority of the population of all the Units of the Federation in which Units representing at least one-third of the population of the Federated States are included.

Explanation: "Unit" in this clause has the same meaning as in clause 14 of Part IV. Where a Unit consists of a group of States, a proposed amendment shall be deemed to be ratified by the legislature of the Unit, if it is ratified by the majority of the legislatures of the States in the group.

Yours sincerely,
Jawaharlal Nehru
Chairman

5. *Report of the Union Powers Committee**

(From Jawaharlal Nehru, Chairman, Union Powers Committee, to the President, Constituent Assembly of India)

New Delhi
July 5, 1947

Sir,

On the 28th April 1947, the Honourable Sir N. Gopalaswamy Ayyangar, on behalf of our Committee, presented our first report to the Constituent Assembly. In doing so, he referred to the changes that were developing in the political situation and were likely to affect the nature and scope of the Committee's recommendations, and sought permission to submit a supplementary report at a later date. The House was pleased to grant us leave to do so.

2. Momentous changes have since occurred. Some parts of the country are seceding to form a separate state, and the plan put forward in the Statement of the 16th May on the basis of which the Committee was working is, in many essentials, no longer operative. In particular, we are not now bound by the limitations on the scope of Union Powers. The first point accordingly that we considered was whether, in the changed circumstances, the scope of these powers should not be widened. We had no difficulty in coming to a conclusion on this point. The severe limitation on the scope of Central authority in the Cabinet Mission's plan was a compromise accepted by the Assembly much, we think, against its judgement of the administrative needs of the country, in order to accommodate the Muslim League. Now that partition is a settled fact, we are

unanimously of the view that it would be injurious to the interests of the country to provide for a weak Central authority which would be incapable of ensuring peace, of coordinating vital matters of common concern, and of speaking effectively for the whole country in the international sphere. At the same time, we are quite clear in our minds that there are many matters in which authority must lie solely with the Units and that to frame a Constitution on the basis of a unitary state would be a retrograde step, both politically and administratively. We have accordingly come to the conclusion—a conclusion which was also reached by the Union Constitution Committee—that the soundest framework for our Constitution is a federation with a strong Centre. In the matter of distributing powers between the Centre and the Units, we think that the most satisfactory arrangement is to draw up three exhaustive lists on the lines followed in the Government of India Act of 1935, viz., the Federal, the Provincial, and the Concurrent. We have prepared three such lists accordingly and these are shown in the Appendix.

We think that residuary powers should remain with the Centre. In view however of the exhaustive nature of the three lists drawn up by us, the residuary subjects could only relate to matters which, while they may claim recognition in the future, are not at present identifiable and cannot therefore be included now in the lists.

3. It is necessary to indicate the position of Indian States in the scheme proposed by us. The States which have joined the Constituent Assembly have done so on the basis of the 16th May Statement. Some of them have expressed themselves as willing to cede wider powers to the Centre than contemplated in that Statement. But we consider it necessary to point out that the application to States in general of the federal list of subjects, in so far as it goes beyond the 16th May Statement, should be with their consent. It follows from this that in their case residuary powers would vest with them unless they consent to their vesting in the Centre.

4. To enable States and, if they so think fit, Provinces also, to cede wider powers to the Centre, we recommend that the Constitution should empower the Federal Government to exercise authority within the Federation on matters referred to them by one or more Units, it being understood that the law would extend only to the Units by whom the matter is referred or which afterwards adopt the law. This follows the Australian model as set out in section 51 (xxxvii) of the Australian Constitution Act.

5. We have included in the federal list the item “the strength, organisation and control of the armed forces raised and employed in Indian States”. Our intention in doing so is to maintain all the existing powers of coordination and control exercised over such forces.

6. We recommend to the Assembly the proposals contained in para 2-D of our previous report on the subject of federal taxation. It is quite clear, however, that the retention by the Federation of the proceeds of all the taxes specified by us would disturb, in some cases violently, the financial stability of the Units and we

recommend therefore that provision should be made for an assignment, or a sharing, of the proceeds of some of these taxes on a basis to be determined by the Federation from time to time.

I have the honour to be,
Sir,
Your most obedient servant,
Jawaharlal Nehru
Chairman

***Members of the Committee:**

1. The Hon'ble Pandit Jawaharlal Nehru (*Chairman*).
2. Shri Sarat Chandra Bose.
3. Dr. B. Pattabhi Sitaramayya.
4. The Hon'ble Pandit Govind Ballabh Pant.
5. Shri Jairamdas Doulatram.
6. Shri Biswanath Das.
7. The Hon'ble Sir N. Gopalaswami Ayyangar.
8. Bakshi, Sir Tek Chand.
9. Sir Alladi Krishnaswami Ayyar.
10. Shri D.P. Khaitan.
11. Shri M.R. Masani.
12. Shri K.M. Munshi.
13. Sir B.L. Mitter.
14. Sir V.T. Krishnamachari.
15. Sir A. Ramaswami Mudaliar.
16. Col. Maharaj Himmatsinghji.

Appendix:

LIST I: FEDERAL LEGISLATIVE LIST

1. The defence of the territories of the Federation and of every part thereof and generally all preparation for defence, as well as all such acts as may be conducive in times of war to its successful prosecution and after its termination to effective demobilisation.
2. Requisitioning of lands for defence purposes including training and manoeuvres.
3. Central Intelligence Bureau.
4. Preventive detention in the territories of the Federation for reasons of state.
5. The raising, training, maintenance and control of naval, military and air forces and employment thereof for the defence of the territories of the Federation and for the execution of the laws of the Federation and its Units; the strength, organisation and control of the armed forces raised and employed in Indian States.
6. Defence industries.

7. Naval, Military and Air Force works.
8. Local self-government in cantonment areas, the constitution and powers within such areas of cantonment authorities, the regulation of house accommodation in such areas and the delimitation of such areas.
9. Arms, firearms, ammunition and explosives.
10. Atomic energy, and mineral resources essential to its production.
11. Foreign affairs; all matters which bring the Federation into relation with any foreign country.
12. Diplomatic, consular and trade representation.
13. United Nations Organisation.
14. Participation in international conferences, associations and other bodies and implementing of decisions made thereat.
15. War and peace.
16. The entering into and implementing of treaties and agreements with foreign countries.
17. Trade and commerce with foreign countries.
18. Foreign loans.
19. Citizenship, naturalisation, and aliens.
20. Extradition.
21. Passports and visas.
22. Foreign jurisdiction.
23. Piracies, felonies committed on the high seas and offences committed in the air against the law of nations.
24. Admission into, and emigration and expulsion from, the territories of the Federation; pilgrimages to places beyond India.
25. Port quarantine; seamen's and marine hospitals, and hospitals connected with port quarantine.
26. Import and export across customs frontiers as defined by the Federal Government.
27. The institutions known on the 15th day of August 1947 as the Imperial Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial and any other institution declared by Federal law to be an institution of national importance.
28. The institutions known on the 15th day of August 1947 as the Benares Hindu University and the Aligarh Muslim University.
29. Airways.
30. Highways and waterways declared by the Federal Government to be Federal highways and waterways.
31. Shipping and navigation on inland waterways, declared by the Federal Government to be Federal waterways, as regards mechanically propelled vessels, and the rule of the road on such waterways; carriage of passengers and goods on such waterways.
32. (a) Posts and telegraphs: provided that the rights existing in favour of any individual State Unit at the commencement of this Constitution shall be

preserved to the Unit until they are modified or extinguished by agreement between the Federation and the Unit concerned or are acquired by the Federation, subject however always to the power of the Federal Parliament to make laws for their regulation and control;

(b) Telephones, wireless, broadcasting, and other like forms of communication, whether owned by the Federation or not;

(c) Post Office Savings Bank.

33. Federal Railways; the regulation of all railways (other than minor railways) in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

34. Maritime shipping and navigation, including shipping and navigation on tidal waters.

35. Admiralty jurisdiction.

36. Ports declared to be major ports by or under Federal Law or existing Indian Law including their delimitation.

37. Aircraft and air navigation: the provision of aerodromes, regulation and organisation of air traffic and of aerodromes.

38. Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft.

39. Carriage of passengers and goods by sea or by air.

40. The Survey of India, the Geological, Botanical and Zoological Surveys of India. Federal Meteorological organisations.

41. Inter-Unit quarantine.

42. Federal Judiciary.

43. Acquisition of property for the purposes of the Federation.

44. Federal agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies.

45. Census.

46. Offences against laws with respect to any of the matters in this list.

47. Enquiries, surveys and statistics for the purposes of the Federation.

48. Federal Services and Federal Public Service Commission.

49. Industrial disputes concerning Federal employees.

50. Reserve Bank of India.

51. Property of the Federation and the revenue therefrom, but as regards property situated in a Unit subject always to legislation by the Unit, save in so far as Federal Law otherwise provides.

52. Public debt of the Federation.

53. Currency, foreign exchange, coinage and legal tender.

54. Powers to deal with grave economic emergencies in any part of the territories of the Federation affecting the Federation.

55. Insurance.

56. Corporations, that is to say, the incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations, but not including corporations owned or controlled by a Federated State and carrying on business only within that State of cooperative societies, and of corporations, whether trading or not, with objects not confined to one Unit, but not including universities.

57. Banking.

58. Cheques, bills of exchange, promissory notes and other like instruments.

59. Patents, copyright, inventions, designs, trademarks and merchandise marks.

60. Ancient and historical monuments: archaeological sites and remains.

61. Establishment of standards of weight and measure.

62. Opium, so far as regards cultivation and manufacture, or sale for export.

63. Petroleum and other liquids and substances declared by Federal Law to be dangerously inflammable, so far as regards possession, storage and transport.

64. Development of industries where development under Federal control is declared by Federal Law to be expedient in the public interest.

65. Regulation of labour and safety in mines and oilfields.

66. Regulation of mines and oilfields and mineral development to the extent to which such regulation and development under Federal control is declared by Federal Law to be expedient in the public interest.

67. Extension of the powers and jurisdiction of members of a police force belonging to any part of a Governor's Province or Chief Commissioner's Province to any area in another Governor's Province or Chief Commissioner's Province, but not so as to enable the police of one part to exercise powers and jurisdiction elsewhere without the consent of the Governor of the Province or the Chief Commissioner, as the case may be; extension of the powers and jurisdiction of members of a police force belonging to any Unit to railway areas outside that Unit.

68. All Federal elections; and Election Commission to superintend, direct and control all Federal and Provincial elections.

69. The salaries of the Federal Ministers and of the Chairman and Vice-Chairman of the Council of States and of the Speaker and Deputy Speaker of the House of the People; the salaries, allowances and privileges of the members of the Federal Parliament.

70. The enforcement of attendance of persons for giving evidence or producing documents before committees of the Federal Parliament.

71. Duties of customs including export duties.

72. Duties of excise on tobacco and other goods manufactured or produced in India except

(a) alcoholic liquors for human consumption;

(b) opium, Indian hemp and other narcotic drugs and narcotics; non-narcotic drugs;

(c) medicinal and toilet preparations containing alcohol, or any substance included in sub-paragraph (b) of this entry.

73. Corporation tax.
 74. State lotteries.
 75. Migration from one Unit to another.
 76. Jurisdiction and powers of all courts, with respect to any of the matters in this list.
 77. Taxes on income other than agricultural income.
 78. Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of the companies.
 79. Duties in respect of succession to property other than agricultural land.
 80. Estate duty in respect of property other than agricultural land.
 81. The rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts.
 82. Terminal taxes on goods or passengers, carried by railway or air; taxes on railway fares and freights.
 83. The development of inter-Unit waterways for purposes of flood control, irrigation, navigation and hydro-electric power.
 84. Inter-Unit trade and commerce.
 85. Fishing and fisheries beyond territorial waters.
 86. Federal manufacture and distribution of salt; regulation and control of manufacture and distribution of salt by other agencies.
- [*Note:* A section should be incorporated in the Constitution itself prohibiting the imposition of any duty or tax on salt.]
87. Fees in respect of any of the matters in this list, but not including fees taken in any Court.

LIST II: PROVINCIAL LEGISLATIVE LIST

1. Public order (but not including the use of naval, military or air forces in aid of the civil power); the administration of justice; constitution and organisation of all courts, except the Supreme Court, and fees taken therein; preventive detention for reasons connected with the maintenance of public order; persons subjected to such detention.
2. Jurisdiction and powers of all courts except the Supreme Court, with respect to any of the matters in this list; procedure in Rent and Revenue Courts.
3. Police, including railway and village police.
4. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other Units for the use of prisons and other institutions.
5. Public debt of the Province.
6. Provincial Public Services and Provincial Public Service Commissions.

7. Works, lands and buildings vested in or in the possession of the Province.
8. Compulsory acquisition of land except for the purposes of the Federation.
9. Libraries, museums and other similar institutions controlled or financed by the Province.

10. Elections to the Provincial Legislature and of the Governors of the Provinces subject to the provisions of paragraph 68 of List I.

11. The salaries of the Provincial Ministers, of the Speaker and Deputy Speaker of the Legislative Assembly, and, if there is a Legislative Council, of the Chairman and Deputy Chairman thereof; the salaries, allowances and privileges of the members of the Provincial Legislature; and the enforcement of attendance of persons for giving evidence or producing documents before Committees of the Provincial Legislature.

12. Local Government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.

13. Public health and sanitation; hospitals and dispensaries; registration of births and deaths.

14. Pilgrimages, other than pilgrimages to places beyond India.

15. Burials, and burial and burning grounds.

16. Education including universities other than those specified in paragraph 28 of List I.

17. Communications, that is to say, roads, bridges, ferries, and other means of communication not specified in List I; minor railways subject to the provisions of List I with respect to such railways; municipal tramways; ropeways; inland waterways and traffic thereon subject to the provisions of List I and List III with regard to such waterways; ports, subject to the provisions in List I with regard to major ports; vehicles other than mechanically propelled vehicles.

18. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power.

19. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases; improvement of stock and prevention of animal diseases; veterinary training and practice; pounds and the prevention of cattle trespass.

20. Land, that is to say, rights in or over land, land tenures, including the relation of landlord and tenant, and the collection of rents; transfer, alienation and devolution of agricultural land; improvement and agricultural loans; colonisation; Courts of Wards; encumbered and attached estates, treasure trove.

21. Forests.

22. Regulation of mines and oilfields and mineral development subject to the provisions of List I with respect to regulation and development under Federal control.

23. Fisheries.

24. Protection of wild birds and wild animals.

25. Gas and gasworks.
26. Trade and commerce within the Province, markets and fairs.
27. Money-lending and money-lenders.
28. Inns and innkeepers.
29. Production, supply and distribution of goods; development of industries, subject to the provisions in List I with respect to the development of certain industries under Federal control.
30. Adulteration of foodstuffs and other goods.
31. Weights and measures except establishment of standards.
32. Intoxicating liquors and narcotic drugs, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors, opium and other narcotic drugs, but subject, as respects opium, to the provisions of List I and, as respects poisons and dangerous drugs, to the provisions of List III.
33. Relief of the poor; unemployment.
34. *The incorporation, regulation, and winding up of corporations not being corporations specified in List I, or universities; unincorporated trading, literary, scientific, religious and other societies and associations; cooperative societies.*
35. Charities and charitable institutions; charitable and religious endowments.
36. Theatres, dramatic performances and cinemas, but not including the sanction of cinematograph films for exhibition.
37. Betting and gambling.
38. Offences against laws with respect to any of the matters in this list.
39. Inquiries and statistics for the purpose of any of the matters in this list.
40. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenue.
41. Duties of excise on the following goods manufactured or produced in the Province and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in the territories of the Federation:
 - (a) alcoholic liquors for human consumption;
 - (b) opium, Indian hemp and other narcotic drugs and narcotics; non-narcotic drugs;
 - (c) medicinal and toilet preparations containing alcohol or any substance included in sub-paragraph (b) of this entry.
42. Taxes on agricultural income.
43. Taxes on lands and buildings, hearths and windows.
44. Duties in respect of succession to agricultural land.
45. Estate duty in respect of agricultural land.
46. Taxes on mineral rights, subject to any limitations imposed by any Act of the Federal Parliament relating to mineral development.
47. Capitation taxes.

48. Taxes on professions, trades, callings and employments.
49. Taxes on animals and boats.
50. Taxes on the sale of goods and on advertisements.
51. Taxes on vehicles suitable for use on roads, whether mechanically propelled or not, including tramcars.
52. Taxes on the consumption or sale of electricity.
53. Cesses on the entry of goods into a local area for consumption, use or sale therein.
54. Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.
55. The rates of stamp duty in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty.
56. Dues on passengers and goods carried on inland waterways.
57. Tolls.
58. Fees in respect of any of the matters in this list, but not including fees taken in any court.

LIST III: CONCURRENT LEGISLATIVE LIST

1. Criminal law, including all matters included in the Indian Penal Code at the date of commencement of this Constitution, but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of the naval, military and air forces in aid of the civil power.
2. Criminal procedure, including all matters included in the Code of Criminal Procedure at the date of commencement of this Constitution.
3. Removal of prisoners and accused persons from one Unit to another Unit.
4. Civil procedure, including the Law of Limitation and all matters included in the Code of Civil Procedure at the date of commencement of this Constitution; the recovery in a Governor's Province or a Chief Commissioner's Province of claims (in respect of taxes) and other public demands, including arrears of land revenue and sums recoverable as such arising outside that Province.
5. Evidence and oaths; recognition of laws, public acts and records and judicial proceedings.
6. Marriage and divorce; infants and minors; adoption.
7. Wills, intestacy, and succession, save as regards agricultural land.
8. Transfer of property other than agricultural land; registration of deeds and documents.
9. Trusts and trustees.
10. Contracts, including partnership, agency, contracts of carriage, and other special forms of contract, but not including contracts relating to agricultural land.
11. Arbitration.
12. Bankruptcy and insolvency.
13. Administrators-general and official trustees.
14. Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stamp duty.

15. Actionable wrongs, save in so far as included in laws with respect to any of the matters specified in List II.

16. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this list.

17. Legal, medical and other professions.

18. Newspapers, books and printing presses.

19. Lunacy and mental deficiency, including places for the reception or treatment of lunatics and mental deficients.

20. Poisons and dangerous drugs.

21. Mechanically propelled vehicles.

22. Boilers.

23. Prevention of cruelty to animals.

24. Vagrancy; nomadic and migratory tribes.

25. Factories.

26. Welfare of labour; conditions of labour; provident funds; employers' liability and workmen's compensation; health insurance, including invalidity pensions; old age pensions.

27. Unemployment and social insurance.

28. Trade unions; industrial and labour disputes.

29. The prevention of the extension from one Unit to another of infectious or contagious diseases or pests affecting men, animals or plants.

30. Electricity.

31. Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways, and the carriage of passengers and goods on inland waterways subject to the provisions of List I with respect to Federal waterways.

32. The sanctioning of cinematograph films for exhibition.

33. Persons subjected to preventive detention under Federal authority.

34. Economic and social planning.

35. Inquiries and statistics for the purpose of any of the matters in this list.

36. Fees in respect of any of the matters in this list, but not including fees taken in any court.

6. *Report of the Provincial Constitution Committee (Principles of a Model Provincial Constitution), as adopted by the Constituent Assembly of India during the July 1947 session*

PART I: GOVERNORS' PROVINCES

CHAPTER I

The Provincial Executive

1. *Governor.* For each Province there shall be a Governor to be elected

directly by the people on the basis of adult suffrage.

[*Note:* The Committee were of the opinion that the election of the Governor should, as far as possible, synchronise with the general election to the Provincial Legislative Assembly. This may be difficult to provide by statute, because the Legislative Assembly may be dissolved in the middle of its term.]

2. *Term of office.* (1) The Governor shall hold office for a term of four years, except in the event of death, resignation or removal.

(2) The Governor may be removed from office for stated misbehaviour by impeachment, the charge to be preferred by the Provincial Legislature, or where the Legislature is bicameral, by the Lower House of the Provincial Legislature, and to be confirmed by the Upper House of the Federal Parliament after investigation by a special committee of that House, the resolution in each case to be supported by not less than two-thirds of the total membership of the House concerned.

(3) The Governor shall be eligible for re-election once, but only once.

3. *Deputy Governor.* There shall be a Deputy Governor for every Province. He will be elected by the Provincial Legislature on the system of proportional representation by single transferable vote after every general election. The Deputy Governor will fill a casual vacancy in the office of the Governor for the remainder of the term of office of the Governor and he will also act for the Governor in his absence.

4. *Age qualifications.* (1) Every citizen of the Federation of India who has reached his 35th year of age shall be eligible for election as Governor.

(2) No person holding any office or position of emolument in the regular services of the Provincial Government or the Union Government or any local authority subordinate to the same shall be eligible for election as Governor.

5. *Disputes regarding election.* Disputes regarding the election of a Governor shall be enquired into and determined by the Supreme Court of the Federation.

6. *Conditions of Governor's office.* (1) The Governor shall not be a member of the Provincial Legislature and if a member of the Provincial Legislature be elected Governor, he shall be deemed to have vacated his seat in that Legislature.

(2) The Governor shall not hold any other office or position of emolument.

(3) The Governor shall have an official residence and shall receive such emoluments and allowances as may be determined by Act of the Provincial Legislature and until then such as are prescribed in Schedule ...

(4) The emoluments and allowances of the Governor shall not be diminished during his term of office.

7. *Executive authority of Province.* The executive authority of the Province shall be exercised by the Governor either directly or through offices subordinate to him, but this shall not prevent the Federal Parliament or the Provincial Legislature from conferring functions upon subordinate authorities, nor shall it be deemed to transfer to the Governor any functions conferred by any existing Indian law on any court, judge or officer or local or other authority.

8. *Extent of the Executive authority of Province.* It shall be competent for a

Province, with the previous sanction of the Federal Government, to undertake, by an agreement made in that behalf with any Indian State, any legislative, executive or judicial functions vested in that State, provided that the agreement relates to a subject included in the Provincial or Concurrent Legislative List.

On such an agreement being concluded, the Province may, subject to the terms thereof, exercise the legislative, executive or judicial functions specified therein through the appropriate authorities of the Province.

8A. Subject to the provisions of the Constitution, and of any special agreement referred to in clause 8, the executive authority of each Province shall extend to the matters with respect to which the Provincial Legislature has power to make laws.

[*Note:* The reference to special agreements in this provision requires a word of explanation. It is possible that in the future there may be Indian States or groups of Indian States desiring to have a common administration with a neighbouring Province in certain specified matters of common interest. In such cases, the Rulers concerned may by a special agreement cede the necessary jurisdiction to the Province. Needless to say, this will not interfere with the accession of the State or States concerned to the Federation, because the accession to the Federation will be in respect of Federal subjects, whereas the cession of jurisdiction contemplated here is in respect of Provincial subjects.]

9. *Council of Ministers.* There shall be a Council of Ministers to aid and advise the Governor in the exercise of his functions except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion.

[*Note:* For the most part, the Governor will act on advice, but he is required to act in his discretion in the following matters:

- (1) the prevention of any grave menace to the peace and tranquillity of the Province or any part thereof [clause 15 (2) of this Part],
- (2) the summoning and dissolving of the Provincial Legislature (clause 20 of this Part),
- (3) the superintendence, direction and control of elections [clause 22, proviso (2), of this Part],
- (4) the appointment of the Chairman and the members of the Provincial Public Service Commission and of the Provincial Auditor-General (Part III).

It is to be noted that the Governor, under the proposed Constitution, is to be elected by the people, so that he is not likely to abuse his "discretionary" powers.]

10. If any question arises whether a matter is one for the Governor's discretion or not, the decision of the Governor in his discretion shall be final.

11. The question whether any, and, if so, what advice was tendered by the Ministers to the Governor shall not be enquired into in any court.

12. *Other provisions as to Ministers.* The Governor's Ministers shall be chosen and summoned by him and shall hold office during his pleasure.

13.(1) A Minister who for any period of six consecutive months is not a member of the Provincial Legislature shall at the expiration of that period cease to be a Minister.

(2) The salaries of Ministers shall be such as the Provincial Legislature may from time to time by Act determine, and, until the Provincial Legislature so determine, shall be determined by the governor:

Provided that the salary of a Minister shall not be varied during his term of office.

14. *Conventions of responsible government to be observed.* In the appointment of his Ministers and his relations with them, the Governor shall be generally guided by the conventions of responsible government as set out in Schedule ... but the validity of anything done by the Governor shall not be called in question on the ground that it was done otherwise than in accordance with these conventions.

[*Note:* Schedule ... will take the place of the Instrument of Instructions now issued to Governors.]

15. *Special responsibilities of Governor.* (1) Where the Governor of a Province is satisfied in his discretion that a grave situation has arisen which threatens the peace and tranquillity of the Province and that it is not possible to carry on the government of the Province with the advice of his Ministers in accordance with the provisions of section 9 he may, by Proclamation, assume to himself all or any of the functions of government and all or any of the powers vested in or exercisable by any provincial body or authority; and any such Proclamation may contain such incidental and consequential provisions as may appear to him to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Act relating to any provincial body or authority:

Provided that nothing in this sub-section shall authorise the Governor to assume to himself any of the powers vested in or exercisable by a High Court, or to suspend, either in whole or in part, the operation of any provision of this Act relating to High Courts.

(2) The Proclamation shall be forthwith communicated by the Governor to the President of the Union, who may thereupon take such action as he considers appropriate under his emergency powers.

(3) The Proclamation shall cease to operate at the expiration of two weeks, unless revoked earlier by the Governor himself or by the President of the Union.

16. *Advocate-General for Province.* (1) The Governor shall appoint a person, being one qualified to be a judge of a High Court, to be Advocate-General for the Province to give advice to the Provincial Government upon legal matters.

(2) The Advocate-General shall retire from office upon the resignation of the Prime Minister, but may continue to carry on his duties until a new Advocate-General shall have been appointed.

(3) The Advocate-General shall receive such remuneration as the Governor may determine.

17. *Conduct of business of Provincial Government.* All executive action of the Government of a Province shall be expressed to be taken in the name of the Governor.

18. *Rules of business.* The Governor shall make rules for the more convenient transaction of the business of the Provincial Government and for the allocation of duties among Ministers.

CHAPTER II

The Provincial Legislature

19. *Constitution of Provincial Legislatures.* (1) There shall for every Province be a Provincial Legislature which will consist of the Governor and the Legislative Assembly; in the following Provinces, there shall, in addition, be a Legislative Council (here enumerate those Provinces, if any, which desire to have an Upper House).

(2) The representation of the different territorial constituencies in the Legislative Assembly shall be on the basis of population and shall be on a scale of not more than one representative for every lakh of the population, subject to a minimum of 60 for any Province, and a maximum of 300.

The elections to the Legislative Assembly shall be on the basis of adult suffrage, an adult being a person of not less than 21 years of age.

(3) Every Legislative Assembly of every Province, unless sooner dissolved, shall continue for four years from the date appointed for its first meeting.

(4) In any Province where the Legislature has an Upper House, the composition of that House shall be as follows:

- (a) The total numerical strength of the Upper House should not exceed 25 per cent of that of the Lower House.
- (b) There should be within certain limits functional representation in the Upper House on the lines of the Irish Constitution, the distribution being as follows:
 - one-half to be elected by functional representation on the Irish model;
 - one-third to be elected by the Lower House by proportional representation;
 - one-sixth to be nominated by the Governor on the advice of his Ministers.

[*Note:* Under the existing Constitution, Madras, Bombay, Bengal, the U.P., Bihar and Assam have 2 Houses and the rest 1. It was agreed that the members of the Constituent Assembly from each Province should vote separately and decide whether an Upper House should be instituted for the Province. There is to be no special representation in the Legislative Assembly either for universities, or for labour, or for women.]

20. *Composition of Provincial Legislatures etc.* The provisions for the

meeting, prorogation and dissolution of the Provincial Legislature, the relations between the two Houses (where there are two Houses), the mode of voting, the privileges of members, disqualification for membership, parliamentary procedure, including procedure in financial matters, etc., shall be on the lines of the corresponding provisions in the Act of 1935, with the following changes in the provisions of section 71 of the Government of India Act, 1935:

"For sub-sections (3) and (4) of section 71 of the Government of India Act, 1935, substitute the following:

'The powers, privileges and immunities of the members of the Legislature of the Province shall be such as are declared by the Provincial Legislature and until so declared shall be those of the members of Commons of the House of Parliament of the United Kingdom and of its members and committees at the establishment of this Constitution.' "

20A. (1) The validity of any proceedings in a Provincial Legislature shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or other member of a Provincial Legislature in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

21. *Language.* In the Provincial Legislature, business shall be transacted in the Provincial language or languages or in Hindustani (Hindi or Urdu) or in English. The Chairman (where there is an Upper House) or the Speaker, as the case may be, shall make arrangement for giving the House, where he thinks fit, a summary of the speech in a language other than that used by the member and such summary shall be included in the record of the proceedings of the House.

22. *Franchise for the Provincial Legislature.* For the first election of the Provincial Legislature under this Constitution, the constituencies, qualifications of voters and other particulars shall be such as may be prescribed in the Schedule to this Constitution.

The Provincial Legislature may from time to time, in accordance with the procedure for amending the Provincial Constitution, make provisions with respect to all or any of the following matters, that is to say,

- (a) the delimitation of territorial constituencies;
- (b) limitations to adult franchise on grounds of non-residence or personal disabilities not based on birth, race, religion or community, and the preparation of electoral rolls;
- (c) the qualifications for being elected as a member of either House;
- (d) the filling of casual vacancies in either House;
- (e) the conduct of elections under this Constitution and the methods of voting thereat;
- (f) the expenses of candidates at such elections;
- (g) corrupt practices and other offences at or in connection with such elections;

- (h) the decision of doubts and disputes arising out of or in connection with such elections;
- (i) matters ancillary to any such matter as aforesaid:

Provided

- (1) that no member of the Lower House shall be less than 25 years of age and no member of the Upper House shall be less than 35 years of age;
- (2) that all provisions under clause 22 (a) to (i) will be made on the principles and in conformity with the instructions laid down in the schedule annexed hereto so as to maintain uniformity in these matters throughout the Indian Union.

CHAPTER III

Legislative Powers of the Governor

23. (1) If at any time when the Provincial Legislature is not in session, the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require.

(2) An ordinance promulgated under this clause shall have the same force and effect as an Act of the Provincial Legislature assented to by the Governor, but every such ordinance

(a) shall be laid before the Provincial Legislature and shall cease to operate at the expiration of six weeks from the re-assembly of the Provincial Legislature, or if before the expiration of that period resolutions disapproving it are passed by the Legislature, upon the passing of the second of those resolutions; and

(b) may be withdrawn at any time by the Governor.

(3) If and in so far as an ordinance under this clause makes any provision which the Provincial Legislature would not under this Constitution be competent to enact, it shall be void.

[*Note:* The ordinance-making power has been the subject of great criticism under the present Constitution. It must however be pointed out that circumstances may exist where the immediate promulgation of a law is absolutely necessary and there is no time in which to summon the Provincial Legislature. In 1925, Lord Reading found it necessary to make an ordinance abolishing the cotton excise duty when such action was immediately and imperatively required in the interests of the country. The Governor who is elected by the people and who has normally to act on the advice of Ministers responsible to the Legislature is not at all likely to abuse any ordinance-making power with which he may be invested. Hence the proposed provision.]

24. The Governor of a Province in which the legislature consists of a single chamber shall have the right to return at his discretion a Bill passed by the legislature for reconsideration and may suggest amendments. If the Bill is passed again by the legislature with or without amendments, he shall assent to it.

CHAPTER IV

Excluded and Partially Excluded Areas

[The provisions of this Chapter cannot be framed until the Advisory Committee has reported.]

PART II: THE PROVINCIAL JUDICIARY

1. The provisions of the Government of India Act, 1935, relating to the High Court should be adopted *mutatis mutandis*; but judges should be appointed by the President of the Federation in consultation with the Chief Justice of the Supreme Court, the Governor of the Province and the Chief Justice of the High Court of the Province (except when the Chief Justice of the High Court himself is to be appointed):

Provided that

- (a) all the High Courts in the Union of India shall have right to issue prerogative writs or any substituted remedies therefor throughout the area subject to the appellate jurisdiction;
- (b) the restriction as to jurisdiction in revenue matters referred to in section 226 of the Government of India Act, 1935, shall no longer apply to the High Courts; and
- (c) in addition to the powers enumerated in section 224 of the Government of India Act, 1935, the High Courts shall have powers of superintendence over subordinate courts as under section 107 of the Government of India Act, 1915.

2. The judges of the High Court shall receive such emoluments and allowances as may be determined by Act of the Provincial Legislature and until then such as are prescribed in Schedule ...

3. The emoluments and allowances of the judges shall not be diminished during their term of office.

PART III: PROVINCIAL PUBLIC SERVICE COMMISSIONS AND PROVINCIAL AUDITORS-GENERAL

Provisions regarding Public Service Commissions and Auditors-General should be inserted on the lines of the provisions of the Act of 1935. The appointment of the Chairman and members of each Provincial Public Service Commission and of the Auditor-General should be vested in the Governor in his discretion.

PART IV: TRANSITIONAL PROVISIONS

1. Any person holding office as Governor in any Province immediately before the commencement of this Constitution may be continued as such and when so continued shall be deemed to be the Governor of the Province under this Constitution until a successor, duly elected under this Constitution, assumes office.

2. There should be similar provisions, mutatis mutandis, in respect of the Council of Ministers, the Legislative Assembly and the Legislative Council (in Provinces which decide to have an Upper House).

[*Note:* These provisions are necessary in order that there may be a Legislature and a Government ready to take over power in each Province as soon as this Constitution comes into force.]

7. *Report of the Union Constitution Committee (Memorandum on the Indian Constitution), as adopted so far by the Constituent Assembly of India during the July-August 1947 session**

Preamble. We, the people of India, seeking to promote the common good, do hereby, through our chosen representatives, enact, adopt and give to ourselves this Constitution.

PART I: FEDERAL TERRITORY AND JURISDICTION

1. *Name and territory of Federation.* The Federation hereby established shall be a sovereign independent Republic known as India.

Save as otherwise provided by or under this Constitution or any treaty or agreement, the territories included for the time being in Schedule I shall be subject to the jurisdiction of the Federation.

[*Note:* The structure proposed to be established by the Constitution being federal in character, the term Federation has been used.]

"India" has been suggested for the name of the State as being the shortest and the most comprehensive.

The words "save as otherwise provided by or under any treaty or agreement" are necessary, because there may be Indian States which, though unfederated and therefore not in the Schedule, may have ceded jurisdiction for certain special purposes by some treaty or agreement.

2. *Admission of new territory.* The Parliament of the Federation may from

*Notes:

(1) The Memorandum incorporates the amendments introduced by the Supplementary Report, dated the 13th July 1947.

(2) Clauses, the consideration of which has been held over, are sidelined.

time to time by Act include new territories in Schedule I upon such terms as it may think fit.

[Cf. Art. IV, section 3 (1) of the Constitution of the U.S.A. and section 121 of the Australian Constitution. The power to admit new States is vested in the Congress in the U.S.A. and in the Commonwealth Parliament in Australia.

As a matter of nomenclature it may be explained that in this draft the Legislature of the Federation is referred to as "Parliament"; Unit Legislatures are referred to as "Legislatures". The Federal Parliament consists of the President and a National Assembly comprising two Houses.]

3. *Creation of new Units and alteration of boundaries of Units.* The Parliament of the Federation may by Act, with the consent of the Legislature of every Province and the Legislature of every Indian State whose boundaries are affected thereby

- (a) create a new Unit;
- (b) increase the area of any Unit;
- (c) diminish the area of any Unit;
- (d) alter the boundaries of any Unit;
- (e) alter the name of any Unit;

and may with the like consent make such incidental and consequential provisions as it may deem necessary or proper.

[*Note:* This corresponds to section 290 of the Act of 1935, but is wider in that it provides for the possibility of Indian State territory being included in a Province.]

SCHEDULE I

Territories subject to the Jurisdiction of the Federation

I. Governors' Provinces:

Madras
Bombay
West Bengal
The United Provinces
Bihar
East Punjab
The Central Provinces and Berar
Assam
Orissa.

II. Chief Commissioners' Provinces:

Delhi
Ajmer-Merwara
Coorg

The Andaman and Nicobar Islands
Panth Piproda.

III. Indian States:

[Here enumerate the acceding or ratifying Indian States:

- (1) Single State
- (2) Groups of States.]

[The Governors' Provinces and the Chief Commissioners' Provinces specified in the Schedule will be automatically within the jurisdiction of the Federation of India. As regards Indian States, some procedure will have to be prescribed for determining which of them are to be included in the Schedule initially. Under the Act of 1935, accession was to be evidenced by "Instruments of Accession" executed by the Rulers. If it is considered undesirable to use this term or adopt this procedure, some kind of ratification may have to be prescribed.

If any of the Provinces specified in the Schedule should be partitioned before the Constitution comes into operation, the Schedule will have to be amended accordingly.]

PART II: CITIZENSHIP

This Part is subject to the decision of the ad hoc Committee on Citizenship Clause.

1. *Citizenship.* At the date of commencement of this Constitution, every person domiciled in the territories subject to the jurisdiction of the Federation

- (a) who has been ordinarily resident in those territories for not less than five years immediately preceding that date, or
- (b) who, or whose parents, or either of whose parents, was or were born in India.

shall be a citizen of the Federation:

Provided that any such person being a citizen of any other state may, in accordance with Federal law, elect not to accept the citizenship hereby conferred.

Explanation: For the purposes of this clause, "Domicile" has the same meaning as in the Indian Succession Act, 1925.

2. After the commencement of this Constitution,

- (a) every person who is born in the territories subject to the jurisdiction of the Federation,
- (b) every person who is naturalised in accordance with Federal law, and
- (c) every person, either of whose parents was, at the time of such person's birth, a citizen of the Federation,

shall be a citizen of the Federation.

3. Further provisions governing the acquisition and termination of Federal citizenship may be made by Federal law.

Explanation: In this Constitution, unless the context otherwise requires, "Federal law" includes any existing Indian law as in force within the territories subject to the jurisdiction of the Federation.

[*Note:* The provisions regarding citizenship will doubtless rouse keen controversy. The present draft is merely meant as a basis for discussion. Cf. Art. 3 of the Constitution of the Irish Free State, 1922, which runs:

Every person, without distinction of sex, domiciled in the area of the jurisdiction of the Irish Free State at the time of the coming into operation of this Constitution, who was born in Ireland or either of whose parents was born in Ireland, or who has been ordinarily resident in the area of the jurisdiction of the Irish Free State for not less than seven years, is a citizen of the Irish Free State and shall, within the limits of the jurisdiction of the Irish Free State, enjoy the privileges and be subject to the obligations of such citizenship:

Provided that any such person being a citizen of another state may elect not to accept the citizenship hereby conferred; and the conditions governing the future acquisition and termination of citizenship in the Irish Free State shall be determined by law.

Clause 1 is on the lines of the above provision, except that a period of five years has been substituted for seven years in accordance with section 3 (1) (c) of the Indian Naturalisation Act (VII of 1926).

The clause has had to be drafted with due regard to the probability that the Federation will not initially exercise jurisdiction over the whole of India.

A person born in India and domiciled in Bombay, who happens to be resident in London at the commencement of the new Constitution, will be a citizen of the Federation under this clause; but not one domiciled in Sind or Baluchistan, if the Federation does not initially exercise jurisdiction there. It is, however, open to any person to acquire a new domicile by taking up his fixed habitation in another area before the Constitution comes into operation.

Under the Indian Succession Act, 1925, every person has a "domicile of origin", which prevails until he acquires a new domicile. Briefly, his domicile of origin is in the country in which at the time of his birth his father was domiciled, and he can acquire a new domicile by taking up his fixed habitation in another country. There is also a provision in the Act enabling any person to acquire a domicile in British India by making and depositing in some office in British India, appointed in this behalf by the Provincial Government; a declaration in writing of his desire to acquire such domicile: provided that he has been resident in British India for one year preceding the date of the declaration. Generally speaking, a wife's domicile during her marriage follows the domicile of her husband. If any person who is at present domiciled, say, in Hyderabad, wishes to acquire a domicile, say, in Delhi, before the coming into operation of this Constitution, he can do so either by taking up his fixed habitation in Delhi or by following the procedure prescribed in the above provision of the Indian

Succession Act, so that at the date of commencement of the Constitution he will become domiciled "in the territories subject to the jurisdiction of the Federation".

Clauses 2 and 3 follow the provisions suggested by the ad hoc Committee: clause 2 is not necessary, if we are content to leave the matter to Federal law under clause 3. In this connection, there is much to be said in favour of the view of the *Calcutta Weekly Notes*:

It is not possible to define exhaustively the conditions of nationality, whether by birth or naturalisation, by the Constitution. If certain conditions are laid down by the Constitution, difficulties may arise regarding the interpretation of future legislation which may appear to be contrary to or to depart in any way from them. For example, the draft of the nationality clause placed before the Constituent Assembly lays down that any person born in the Union would be a citizen of the Union. But what about a woman citizen of the Union marrying an alien national or about an alien woman marrying a Union national? Would the Union Legislature have power to legislate in the first case that the woman would lose her Union nationality or in the second case that she would acquire Union nationality (such being the law of most of the countries)? These are intriguing questions, but all these things have to be pondered before a rigid clause is inserted in the Constitution itself. It would, in our opinion, therefore, be better to specify who would be citizens of the Indian Union at the date when the Constitution comes into force as in the Constitution of the Irish Free State and leave the law regarding nationality to be provided for by legislation by the Indian Union in accordance with the accepted principles of Private International Law. (*Calcutta Weekly Notes*, Vol. LI, No. 27, May 26, 1947.)

The same journal in two subsequent issues (Vol. LI, Nos. 28 and 29, June 2 and June 9, 1947) has drawn attention to a host of other questions arising out of clause 2 and on the whole it may be better altogether to omit that clause, leaving the matter at large to be regulated by Federal law under clause 3.]

PART III: FUNDAMENTAL RIGHTS INCLUDING DIRECTIVE PRINCIPLES OF STATE POLICY

1. *Fundamental rights*. [Here enumerate the Fundamental Rights and Principles of State Policy as passed by the Constituent Assembly.]

PART IV

CHAPTER I

The Federal Executive

1. *Head of the Federation*. (1) The Head of the Federation shall be the President (Rashtrapati) to be elected as provided below.

(2) The election shall be by an electoral college consisting of

- (a) the members of both Houses of Parliament of the Federation, and
- (b) the elected members of the Legislatures of all the Units or, where Legislature is bicameral, the elected members of the Lower House thereof.

In order to secure uniformity in the scale of representation of the Units, the votes of the members of the Unit Legislatures shall be weighted in proportion to the population of the Units concerned.

Explanation: A Unit means a Province or Indian State which returns in its own individual right members to the Federal Parliament. In Indian States which are grouped together for the purpose of returning representatives to the Council of States, a Unit means the group so formed and the Legislature of the Unit means the Legislatures of all the States in that group.

(3) The election of the President shall be by secret ballot and on the system of proportional representation by means of the single transferable vote.

(4) Subject to the above provisions, elections for the office of President shall be regulated by Act of the Federal Parliament.

[*Note:* The provisions about weighting of the votes according to the population of the Units is necessary to prevent the swamping of the votes of a large Unit by those of a much smaller Unit which may happen to have relatively large Legislature. The mode of weighting may be illustrated thus. In a Legislature where each legislator represents 1 lakh (100,000) of the population, his vote shall count as equivalent to 100, that is, 1 for each 1,000 of the population; and where the Legislature is such that the legislator represents 10,000 of the population, his vote shall count as equivalent to 10 on the same scale.]

2. *Term of office of President.* (1) The President shall hold office for 5 years: Provided that

- (a) a President may by resignation under his hand addressed to the Chairman of the Council of States and the Speaker of the House of the People resign his office;
- (b) a President may, for violation of the Constitution, be removed from office by impeachment in the manner provided in sub-clause (2).

(2) (a) When a President is to be impeached for violation of the Constitution, the charge shall be preferred by either House of the Federal Parliament, but no proposal to prefer such charge shall be adopted by that House except upon a resolution of the House supported by not less than two-thirds of the total membership of the House.

(b) When a charge has been so preferred by either House of the Federal Parliament the other House shall investigate the charge or cause the charge to be investigated and the President shall have the right to appear and to be represented at such investigation.

(c) If as a result of the investigation a resolution is passed supported by not less than two-thirds of the total membership of the House by which the charge was investigated or caused to be investigated declaring that the charge preferred against the President has been sustained, the resolution shall have the effect of removing the President from his office as from the date of the resolution.

(3) A person who holds, or who has held, office as President shall be eligible for re-election once, but only once.

[*Note:* Sub-clauses (1)(b) and (2) follow Art. 12(10) of the Irish Constitution; sub-clause (3) is also taken from the Irish Constitution.]

3. *Age qualification.* Every citizen of the Federation who has completed the age of thirty-five years and is qualified for election as a member of the House of the People shall be eligible for election as President.

[*Note:* This follows Art. 11, Section 1(5) of the Constitution of the U.S.A. and Article 12 (4) of the Irish Constitution.]

4. *Conditions of President's office.* (1) The President shall not be a member of Parliament or of any Legislature and, if such a member be elected President, he shall be deemed to have vacated his seat in Parliament or in the Legislature concerned.

(2) The President shall not hold any other office or position of emolument.

(3) The President shall have an official residence and shall receive such emoluments and allowances as may be determined by Act of the Federal Parliament and until then, such as are prescribed in Schedule...

(4) The emoluments and allowances of the President shall not be diminished during his term of office.

[*Note:* These follow the provisions of Article 12 (6) and (11) of the Irish Constitution.]

5. *Vacancies in the office of President.* Appropriate provision should be made for elections to fill vacancies in the office of President, whether occurring before, or at the end of the normal term of an incumbent of that office, the detailed procedure for elections being left to be regulated by Act of the Federal Parliament:

Provided that in the case of a vacancy occurring before the end of the normal term of a particular incumbent,

- (a) the election to fill the vacancy shall be held as soon as possible after, and in no case later than six months from, the date of occurrence of the vacancy, and
- (b) the person elected as President at such election shall be entitled to hold office for the full term of five years.

6. *Vice-President.* (1) During the interval between the occurrence of a vacancy in the office of President and its filling up by election and when the President is unable to discharge his functions owing to absence, illness or any other cause, his

functions will be discharged by the Vice-President.

(2) The Vice-President shall be elected by both Houses of the Federal Parliament in joint session by secret ballot on the system of proportional representation by means of the single transferable vote and shall be ex-officio President of the Council of States and if a member of the Federal Parliament is elected to be the Vice-President, he shall vacate his seat as such member.

(3) During the time the Vice-President is acting in the place of the President, the Council may if necessary elect a temporary Chairman.

(4) The Vice-President shall hold office for 5 years.

(5) No person who has not completed the age of 35 years can be elected as the Vice-President.

7. Functions of the President. (1) Subject to the provisions of this Constitution the executive authority of the Federation shall be vested in the President.

(2) Without prejudice to the generality of the foregoing provision,

- (a) the supreme command of the defence forces of the Federation shall be vested in the President;
- (b) the power to grant pardons, reprieves, respites, remissions, suspensions or commutations of punishment imposed by any court exercising criminal jurisdiction shall be vested in the President in the case of convictions
 - (i) for offences against Federal laws relating to matters in respect of which the Federal Parliament has, and the Unit Legislature concerned has not, the power to make laws; and
 - (ii) for all offences tried by Courts Martial.

Such power may also be conferred on other authorities by Federal law:

Provided that nothing in this sub-clause affects any power of any officer of the Armed Forces of the Federation to suspend, remit or commute a sentence passed by a Court Martial. Where any person has been sentenced to death in a Province, the President shall have all such powers of suspension, remission or commutation of sentence as are vested in the Governor of the Province.

8. Extent of executive authority of the Federation. Subject to the provisions of this Constitution, the executive authority of the Federation shall extend to the matters with respect to which the Federal Parliament has power to make laws and to any other matters with respect to which authority has been conferred on the Federation by any treaty or agreement, and shall be exercised either through its own agency or through the Units.

8-A. (1) The Government of the Federation may, by agreement with any acceding Indian State but subject to the provisions of the Constitution in regard to the relationship between the Indian Federation and an acceding Indian State, undertake any legislative, executive or judicial functions in that State.

(2) Any such agreement entered into with an Indian State not acceding to the Federation shall be subject to be governed by any Act relating to the exercise of

foreign jurisdiction by the Parliament of the Federation.

(3) If any such agreement covers any of the matters included in an agreement between a Province and a State under Clause 8 of the Provincial Constitution, the latter, to the extent it is covered by the agreement with the Federation, shall stand rescinded and revoked.

(4) On an agreement under the provisions of sub-clause (1) being concluded, the Federation may, subject to the terms of the agreement, exercise the legislative, executive or judicial functions specified therein through appropriate authorities.

9. The executive authority of the Ruler of a Federated State shall continue to be exercisable in that State with respect to Federal subjects, until otherwise provided by the appropriate Federal authority, in cases where it is considered necessary.

[*Note:* Like the corresponding provision in section 8 (2) of the Act of 1935 this clause gives the Rulers of Indian States, who have acceded to the Federation, concurrent executive power even in Federal subjects, until otherwise provided by Federal authority. (In this respect, the position of the Provincial Units is rather different: these have no executive power in respect of Federal subjects save as given by Federal law.) Such a clause is necessary, for, otherwise, all statutory powers in respect of Federal subjects will come to an end in the acceding States upon the commencement of this Constitution.]

10. *Council of Ministers.* There shall be a Council of Ministers, with the Prime Minister at the head, to aid and advise the President in the exercise of his functions. The Prime Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Prime Minister. The Council shall be collectively responsible to the House of the People.

11. *Advocate-General for the Federation.* The President shall appoint a person, being one qualified to be appointed a judge of the Supreme Court, to be Advocate-General for the Federation, to give advice to the Federal Government upon legal matters that may be referred or assigned to him by the President and to exercise the powers and discharge the duties vested in him under this Act or under any Federal law; and in the performance of his duties, the Advocate-General shall have right of audience in all courts situated in the territories of the Federation. The Advocate-General shall hold office during the pleasure of the President and shall receive such remuneration as the President may determine.

12. *Conduct of business of the Federal Government.* All executive action of the Federal Government shall be expressed to be taken in the name of the President.

CHAPTER II

The Federal Parliament

13. *Constitution of the Federal Parliament.* The legislative power of the Federation shall be vested in the Parliament of the Federation which shall consist

of the President and two Houses, the Council of States and the House of the People.

14. (1) (a) The strength of the Council of States shall be so fixed as not to exceed one half of the strength of the House of the People. Not more than 25 members of the Council shall be returned by functional constituencies or panels constituted on the lines of the provisions in section 18 (7) of the Irish Constitution of 1937. The balance of the members of the Council shall be returned by constituencies representing Units on a scale to be worked out in detail:

Provided that the total representation of Indian States does not exceed 40 per cent of this balance.

Explanation: A Unit means a Province or Indian State which returns in its own individual right members to the Federal Parliament. In the case of Indian States which are grouped together for the purpose of returning representatives to the Council of States a Unit means the group so formed.

(b) The representatives of each Unit in the Council of States shall be elected by the elected members of the legislature of such Unit and in cases where a legislature consists of two Houses by the elected members of the Lower House of that legislature.

(c) The strength of the House of the People shall be so fixed as not to exceed 500. The Units of the Federation, whether Provinces, Indian States or groups of Indian States, shall be divided into constituencies and the number of representatives allotted to each constituency shall be so determined as to ensure that there shall be not less than one representative for every 750,000 of the population and not more than one representative for every 500,000:

Provided that the ratio of the total number of Indian States representatives to their total population shall not be in excess of the ratio of the total number of representatives for the Provinces to their total population.

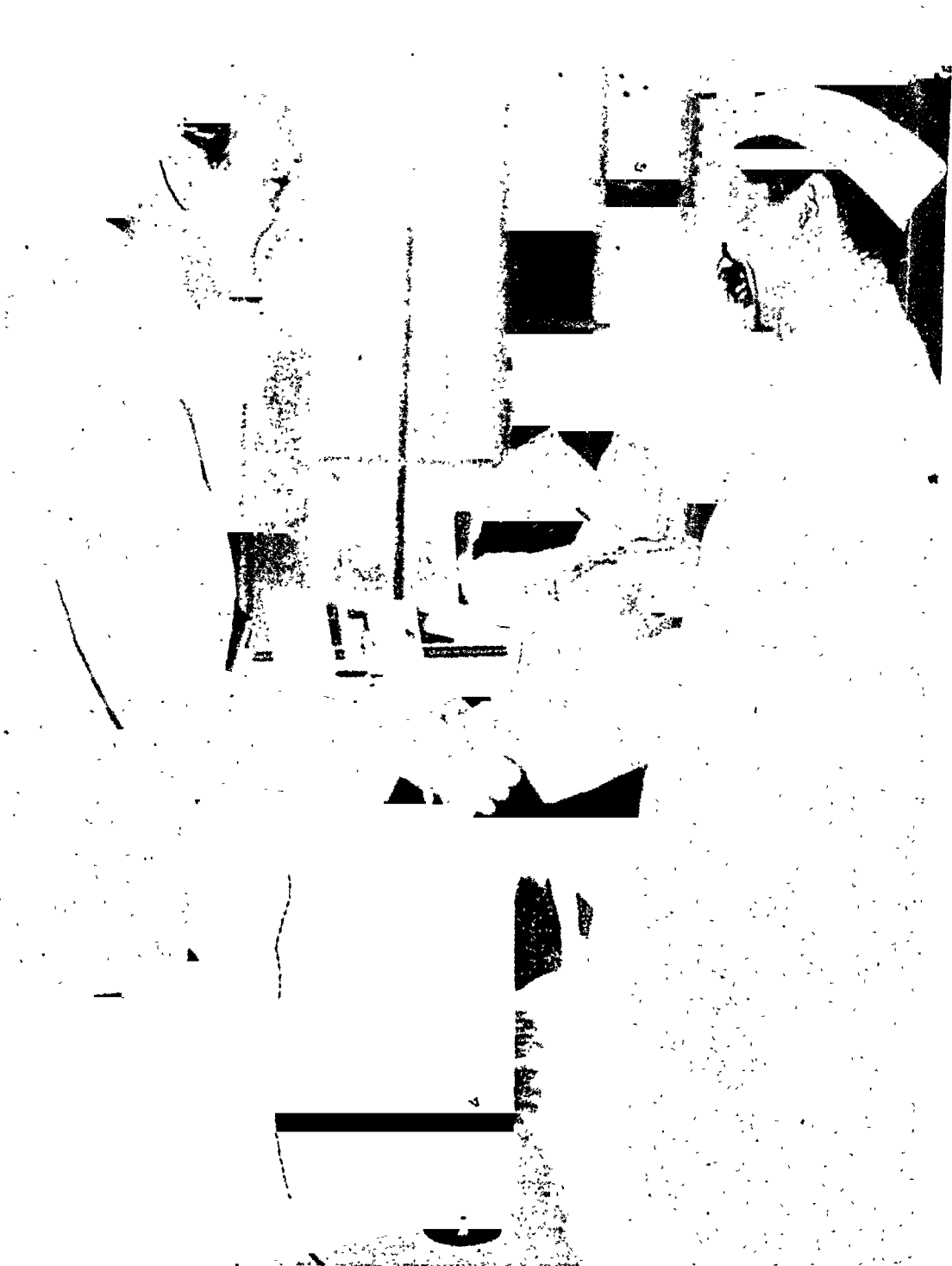
(d) The ratio between the number of members to be elected at any time for each constituency and the population of that constituency, as ascertained at the last preceding census, shall, as far as practicable, be the same throughout the territories of the Federation.

(e) The fixing of the actual strength of the Council of States and of the House of the People, the distribution of the strength so fixed amongst the Units of the Federation, the determination of the number, nature and constitution of functional panels or constituencies for the Council of States, the manner in which the smaller States should be grouped into Units for purposes of election to the two Houses, the principles on which territorial constituencies to the two Houses should be delimited and other ancillary matters shall be referred back to and investigated by the Union Constitution Committee. After such investigation, the Union Constitution Committee shall submit to the President of the Constituent Assembly its recommendations as to the provisions relating to these matters which should be inserted in the draft text of the Union Constitution.

(2) The said representatives shall be chosen in accordance with the provisions in that behalf contained in Schedule . . . :



Dr. Rajendra Prasad with Jayaprakash Narayan and Prabhavati Narayan



Dr. Rajendra Prasad with Lord Mountbatten

Provided that the elections to the House of the People shall be on the basis of adult suffrage.

(3) Upon the completion of each decennial census, the representation of the several Provinces and Indian States or groups of Indian States in the two Houses shall be readjusted by such authority, in such manner, and from such time as the Federal Parliament may by Act determine.

(4) The Council of States shall be a permanent body not subject to dissolution, but as near as may be one-third of the members thereof shall retire in every second year in accordance with the provisions in that behalf contained in Schedule ...

(5) The House of the People, unless sooner dissolved, shall continue for four years from the date appointed for its first meeting and no longer, and the expiration of the said period of four years shall operate as a dissolution of the House:

Provided that the said period may, during an emergency, be extended by the President for a period not exceeding one year at a time and not exceeding in any case beyond the period of six months from the expiry of the period of the emergency.

15. There should be the usual provisions for the summoning, prorogation and dissolution of Parliament, for regulating the relations between the two Houses, the mode of voting, privileges of members, disqualification for membership, Parliamentary procedure, including procedure in financial matters. In particular, money Bills must originate in the Lower House. The Upper House should have power to suggest amendments in money Bills; the Lower House would consider them and thereafter, whether they accept the amendments or not, the Bill as amended (where the amendments are accepted) or in its original form (where the amendments are not accepted) shall be presented to the President for assent and, upon his assent, shall become law. If there is any difference of opinion as to whether a Bill is a money Bill or not, the decision of the Speaker of the House of the People should be final. Except in the case of money Bills both the Houses should have equal powers of legislation and deadlocks should be resolved by joint meetings of the two Houses. Bills, other than money Bills, presented to the President for assent, may be returned by him to the Federal Legislature for reconsideration, but no such return shall be made later than six weeks after the passing of the Bills by the Assembly.

16. *Language.* In the Federal Parliament, business shall be transacted in Hindustani (Hindi or Urdu) or English, provided that the Chairman or the Speaker, as the case may be, may permit any member who cannot adequately express himself in either language to address the House in his mother tongue. The Chairman or the Speaker, as the case may be, shall make arrangements for giving the House, whenever he thinks fit, a summary of the speech in a language other than that used by the member and such summary shall be included in the record of the proceedings of the House.

[Note: This follows the corresponding provisions in the Constituent Assembly Rules.]

CHAPTER III

Legislative Powers of the President

17. *Power of President to promulgate ordinances during recess of Parliament.* (1) If at any time when the Federal Parliament is not in session the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require.

(2) An ordinance promulgated under this section shall have the same force and effect as an Act of the Federal Parliament assented to by the President, but every such ordinance

- (a) shall be laid before the Federal Parliament and shall cease to operate at the expiration of six weeks from the reassembly of the Federal Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and
- (b) may be withdrawn at any time by the President.

(3) If and so far as an ordinance under this section makes any provision which the Federal Parliament would not under this Constitution be competent to enact, it shall be void.

[*Note:* The ordinance-making power has been the subject of great criticism under the present Constitution. It must however be pointed out that circumstances may exist where the immediate promulgation of a law is absolutely necessary and there is no time in which to summon the Federal Parliament. In 1925, Lord Reading found it necessary to make an ordinance suspending the cotton excise duty when such action was immediately and imperatively required in the interests of the country. A democratically elected President who has moreover to act on the advice of Ministers responsible to Parliament is not at all likely to abuse any ordinance-making power with which he may be invested. Hence the proposed provision.]

CHAPTER IV

The Federal Judicature

18. *Supreme Court.* There shall be a Supreme Court with the constitution, powers and jurisdiction recommended by the ad hoc Committee on the Union Judiciary, except that a judge of the Supreme Court shall be appointed by the President after consulting the Chief Justice and such other judges of the Supreme Court as also such judges of the High Courts as may be necessary for the purpose.

Provision shall also be made for the removal of judges of the Supreme Court on the following lines.

A judge of the Supreme Court of India shall not be removed from his office except by the President on an address from both the Houses of Parliament of the Union in the same session for such removal on the ground of proved misbehaviour or incapacity. Further provision may be made by Federal law for the procedure to be adopted in this behalf.

[*Note:* The ad hoc Committee on the Supreme Court has observed that it will not be expedient to leave the power of appointing judges of the Supreme Court to the unfettered discretion of the President of the Federation. They have suggested two alternatives, both of which involve the setting up of a special panel of eleven members. According to one alternative, the President, in consultation with the Chief Justice, is to nominate a person for appointment as puisne judge and the nomination has to be confirmed by at least seven members of the panel. According to the other alternative, the panel should recommend three names, out of which the President, in consultation with the Chief Justice, is to select one for the appointment. The provision suggested in the above clause follows the decision of the Union Constitution Committee.]

CHAPTER V

Auditor-General of the Federation

19. *Auditor-General.* There shall be an Auditor-General of the Federation who shall be appointed by the President and shall only be removed from office in like manner and on the like grounds as a judge of the Supreme Court.

20. *Function of Auditor-General.* The duties and powers of the Auditor-General shall follow the lines of the corresponding provisions in the Act of 1935.

CHAPTER VI

Services

21. *Public Service Commission.* There shall be a Public Service Commission for the Federation whose composition and functions shall follow the lines of the corresponding provisions in the Act of 1935, except that the appointment of Chairman and the members of the Commission shall be made by the President.

22. Provisions should be made for the creation of All-India Services whose recruitment and conditions of service will be required by Federal law.

CHAPTER VII

Elections

23. *Elections to the Federal Parliament.* Subject to the provisions of this Constitution, the Federal Parliament may, from time to time, make provision

with respect to all matters relating to or connected with elections to either House of the Federal Legislature including the delimitation of constituencies:

Provided that until such provision is made, all elections shall be held in accordance with the provisions of Schedule... and the constituencies shall be those set out in Schedule...

24. *Superintendence, direction and control of elections.* The superintendence, direction and control of all Federal elections, held under this Constitution, including the appointment of election tribunals for decision of doubts and disputes arising out of or in connection with such elections, shall be vested in a Commission to be appointed by the President.

PART V: DISTRIBUTION OF LEGISLATIVE POWERS BETWEEN THE FEDERATION AND THE UNITS

The provisions to be inserted under this head will depend upon the decisions that may be taken upon the report of the Union Powers Committee. The Union Constitution Committee has, however, decided that

- (1) the Constitution should be a Federal structure with a strong Centre;
- (2) there should be three exhaustive legislative lists, viz., Federal, Provincial and Concurrent, with residuary powers to the Centre;
- (3) the States should be on a par with the Provinces as regards the Federal Legislative list subject to the consideration of any special matter which may be raised when the lists have been fully prepared.

PART VI: ADMINISTRATIVE RELATIONS BETWEEN THE FEDERATION AND THE UNITS

1. The Federal Parliament in legislating for an exclusively Federal subject may devolve upon the Government of a Unit, whether a Province, an Indian State or other area, or upon any officer of that Government, the exercise on behalf of the Federal Government of any functions in relation to that subject.

2. (1) It will be the duty of the Government of a Unit so to exercise its executive power and authority in so far as it is necessary and applicable for the purpose as to secure that due effect is given within the Unit to every act of the Federal Parliament which applies to that Unit; and the authority of the Federal Government will extend to the giving of directions to a Unit Government to that end.

(2) The authority of the Federal Government will also extend to the giving of directions to Unit Governments as to the manner in which the latter's executive power and authority should be exercised in relation to any matter which affects the administration of a Federal subject.

(3) Where by virtue of clause 1 powers and duties have been conferred or imposed upon a Province or Federated State or officers or authorities thereof, there

shall be paid by the Federation to the Province or State such sum as may be agreed, or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of the Supreme Court in respect of any extra costs of administration incurred by the Province or State in connection with the exercise of those powers and duties.

[*Note:* Cf. sections 122, 124 and 126 of the Government of India Act, 1935.]

PART VII: FINANCE AND BORROWING POWERS

1. Revenues derived from sources in respect of which the Federal Parliament has exclusive power to make laws will be allocated as Federal revenues, but in the cases specified in the next succeeding paragraph the Federation will be empowered or required to make assignments to Units from Federal revenues.

2. Provision should be made for the levy and, if necessary, distribution of the following taxes, viz., customs, Federal excises, export duties, death duties and taxes on income other than agricultural income and taxes on companies.

3. The Federal Government will have power to make subventions or grants out of Federal revenues for any purpose, notwithstanding that the purpose is not one with respect to which the Federal Parliament may make laws.

4. The Federal Government will have power to borrow for any of the purposes of the Federation upon the security of Federal revenues subject to such limitations and conditions as may be fixed by Federal law.

5. The Federal Government will have power to grant a loan to, or guarantee a loan by, any Unit of the Federation on such terms and under such conditions as it may prescribe.

[*Note:* Cf. sections 136 to 140, 162 and 162 (2) of the Government of India Act, 1935.]

PART VII-A

There shall be an Inter-State Commission constituted in the manner prescribed by a Federal law, with such powers of adjudication and administration as may be similarly prescribed for the execution and maintenance of the provisions of this Constitution relating to trade and commerce and generally for adjudicating in similar matters as may be referred to it from time to time by the President.

Accepted in principle only.

PART VIII: DIRECTLY ADMINISTERED AREAS

1. The Chief Commissioners' Provinces should continue to be administered by the Centre as under the Government of India Act, 1935, as an interim measure, the question of any change in the system being considered subsequently, and all Centrally administered areas including the Andamans and

the Nicobar Islands should be specifically mentioned in the Constitution.

Consideration held over pending report by Special Committee.

2. Appropriate provision should be made in the Constitution for the administration of tribal areas.

[*Note:* The provision to be made regarding tribal areas should incorporate the scheme for the administration of such areas as approved by the Constituent Assembly on the report of the Advisory Committee.]

PART IX: MISCELLANEOUS

The provisions for the protection of minorities as approved by the Constituent Assembly on the report of the Advisory Committee should be incorporated in the Constitution.

PART X: AMENDMENT OF THE CONSTITUTION

The amendment of the Constitution may be initiated in either House of the Federal Parliament and when the proposed amendment is passed in each House by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President for his assent; and upon such assent being given, the amendment shall come into operation:

Provided that if such amendment is in respect of any provision of the Constitution relating to all or any of the following matters, namely,

- (a) any change in the Federal Legislative List,
- (b) representation of Units in the Federal Parliament, and
- (c) powers of the Supreme Court,

it will also require to be ratified by the legislatures of Units representing a majority of the population of all the Units of the Federation in which Units representing at least one-third of the population of the Federated States are included.

Explanation: "Units" in this clause has the same meaning as in clause 14 of Part IV. Where a Unit consists of a group of States, a proposed amendment shall be deemed to be ratified by the legislature of the Unit, if it is ratified by the majority of the legislatures of the States in the group.

PART XI: TRANSITIONAL PROVISIONS

1. The Government of the Federation shall be the successor to the Government of India established under the Government of India Act, 1935, as adapted under the provisions of the Indian Independence Act, 1947, as regards all property, assets, rights and liabilities.

5. (1) Until both the Houses of the Federal Parliament have been duly constituted and summoned under this Constitution, the Constituent Assembly shall itself exercise all the powers and discharge all the duties of both the Houses.

Explanation: For the purposes of this sub-clause, the Constituent Assembly shall not include any members representing territories not included in Schedule I.

(2) Such person as the Constituent Assembly shall have elected in this behalf shall be the provisional President of the Federation until a President has been elected as provided in Part IV of this Constitution.

(3) Such persons as shall have been appointed in this behalf by the provisional President shall be the provisional Council of Ministers until Ministers are duly appointed as provided in Part IV of this Constitution.

6. As there may be unforeseen difficulties during the transitional period, there should be a clause in the Constitution on the following lines:

The Federal Parliament may, notwithstanding anything contained in Part X, by Act

- (a) direct that this Constitution, except the provisions of the said Part and of this clause, shall, during such period, if any, as may be specified in the Act, have effect subject to such adaptations and modifications as may be so specified;
- (b) make such other provisions for the purpose of removing any such difficulties as aforesaid as may be specified in the Act.

No act shall be made under this clause after the expiration of three years from the commencement of this Constitution.

[*Note:* The removal-of-difficulties clause is now quite usual: see, for example, section 310 of the Government of India Act, 1935. The period of three years has been borrowed from Article 51 of the Irish Constitution. This clause will make the process of amendment comparatively easy during the first three years.]

Appendix:

REPORT OF THE AD HOC COMMITTEE OF THE CONSTITUENT ASSEMBLY ON THE SUPREME COURT

New Delhi
May 21, 1947

We, the undersigned members of the Committee appointed to consider the constitution and powers of the Supreme Court have the honour to submit this our report.

2. We consider the question under the following heads:

- I. Jurisdiction and powers of the Supreme Court.
- II. Advisory jurisdiction of the Court.
- III. Ancillary powers of the Court.

IV. Constitution and strength of the Court.

V. Qualifications and mode of appointment of judges.

VI. Tenure of office and conditions of service of judges.

I. Jurisdiction and Powers of the Supreme Court

3. A Supreme Court with jurisdiction to decide upon the constitutional validity of acts and laws can be regarded as a necessary implication of any Federal scheme. This jurisdiction need not however belong exclusively to the Supreme Court. Even under the existing Indian Constitution, the question of the validity of acts and laws is permitted to be raised in any court whenever that question arises in a litigation before that Court.

4. A Supreme Court for certain purposes being thus a necessity, we consider that the Court may well be given the following additional powers under the new Indian Constitution:

(a) Exclusive jurisdiction in disputes between the Union and a Unit or between one Unit and another

5. The Supreme Court is the best available forum for the adjudication of such disputes, and its jurisdiction should be exclusive.

(b) Jurisdiction with respect to matters arising out of treaties made by the Union

6. The treaty-making power belongs to the Union as part of the subject of 'Foreign Affairs'. It would therefore be appropriate to invest the Supreme Court of the Union with jurisdiction to decide finally, though not necessarily in the first instance, upon all matters arising out of treaties including extradition between the Union and a foreign state. At this stage we do not deal with inter-Unit extradition, because this will depend upon the ultimate distribution of powers between the Union and the Units.

(c) Jurisdiction in respect of such other matters within the competence of the Union as the Union Legislature may prescribe

7. If the Union Legislature is competent to legislate on a certain matter, it is obviously competent to confer judicial power in respect of that matter on a tribunal of its own choice, and if it chooses the Supreme Court for the purpose, the Court will have the jurisdiction so conferred.

(d) Jurisdiction for the purpose of enforcing the fundamental rights guaranteed by the Constitution

8. Clause 22 of the draft of the Fundamental Rights provides that the right to move the Supreme Court by appropriate proceedings for the enforcement of fundamental rights is guaranteed. We think, however, that it is undesirable to

make the jurisdiction of the Supreme Court in such matters exclusive. The citizen will practically be denied these fundamental rights if, whenever they are violated, he is compelled to seek the assistance of the Supreme Court as the only Court from which he can obtain redress. Where there is no other Court with the necessary jurisdiction, the Supreme Court should have it; where there is some other Court with the necessary jurisdiction, the Supreme Court should have appellate jurisdiction, including powers of revision.

(e) General appellate jurisdiction similar to that now exercised by the Privy Council

9. Under the new Constitution the jurisdiction of the Privy Council as the ultimate appellate authority will disappear and it is obviously desirable that a similar jurisdiction should now be conferred on the Supreme Court. So far as the British Indian Units are concerned, this jurisdiction should be co-extensive with the present jurisdiction of the Privy Council. As regards the Indian State Units, there are at least two classes of cases where, in the interests of uniformity, it is clearly desirable that the final decision should rest with the Supreme Court, namely,

- (1) cases involving the interpretation of a law of the Union, and
- (2) cases involving the interpretation of a law of a Unit other than the State concerned.

Sir B.L. Mitter suggests that such uniformity can be obtained either by invoking the appellate authority of the Supreme Court or by a reference of the particular issue to the Supreme Court. Cases involving the constitutional validity of a law of the Union or of any Unit have already been dealt with; they will all necessarily fall within the Supreme Court's jurisdiction.

10. It will also, of course, be open to any Indian State Unit to confer by special agreement additional jurisdiction upon the Supreme Court in respect of such matters as may be specified therein.

II. *Advisory Jurisdiction of the Court*

11. There has been considerable difference of opinion amongst jurists and political thinkers as to the expediency of placing on the Supreme Court an obligation to advise the Head of the State on difficult questions of law. In spite of arguments to the contrary, it was considered expedient to confer advisory jurisdiction upon the Federal Court under the existing Constitution by section 213 of the Act. Having given our best consideration to the arguments pro and con, we feel that it will be on the whole better to continue this jurisdiction even under the new Constitution. It may be assumed that such jurisdiction is scarcely likely to be unnecessarily invoked and if, as we propose, the Court is to have a

strength of ten or eleven judges a pronouncement by a full Court may well be regarded as authoritative advice. This can be ensured by requiring that references to the Supreme Court for advice shall be dealt with by a full Court.

III. *Ancillary Powers of the Court*

12. Power should be conferred upon the Supreme Court as under section 214 of the Act of 1935 to make Rules of Procedure to regulate its work and provisions similar to those contained in Order 45 of the Civil Procedure Code should be made available so as to facilitate the preparation of the record in appeals to the Supreme Court as well as the execution of its decrees. It does not seem to us necessary to continue the restriction now placed on the Federal Court by section 209 of the Act of 1935. If the Supreme Court takes the place of the Privy Council, it may well be permitted to pronounce final judgements and final decrees in cases where this is possible or to remit the matter for further inquiry to the Courts from which the appeal has been preferred where such further inquiry is considered necessary. Provision must also be made on the lines of section 210 of the Act of 1935 giving certain inherent powers to the Supreme Court.

IV. *Constitution and Strength of the Court*

13. We think that the Supreme Court will require at least two Division Benches and as we think that each Division Bench should consist of five judges, the Court will require ten judges in addition to the Chief Justice, so as to provide for possible absences or other unforeseen circumstances. Moreover, one of the judges may be required to deal with many miscellaneous matters incidental to appellate jurisdiction (including revisional and referential jurisdiction).

V. *Qualifications and Mode of Appointment of Judges*

14. The qualifications of the judges of the Supreme Court may be laid down on terms very similar to those in the Act of 1935 as regards the judges of the Federal Court, the possibility being borne in mind (as in the Act of 1935) that judges of the superior courts even from the States which may join the Union may be found fit to occupy a seat in the Supreme Court. We do not think that it will be expedient to leave the power of appointing judges of the Supreme Court to the unfettered discretion of the President of the Union. We recommend that either of the following methods may be adopted. One method is that the President should in consultation with the Chief Justice of the Supreme Court (so far as the appointment of puisne judges is concerned) nominate a person whom he considers fit to be appointed to the Supreme Court and the nomination should be confirmed by a majority of at least 7 out of a panel of 11 composed of some of the Chief Justices of the High Courts of the constituent Units, some members of both the Houses of the Central Legislature and some of the law officers of the Union.

The other method is that the panel of 11 should recommend three names out of which the President, in consultation with the Chief Justice, may select a judge for the appointment. The same procedure should be followed for the appointment of the Chief Justice, except, of course, that in this case there will be no consultation with the Chief Justice. To ensure that the panel will be both independent and command confidence, the panel should not be an ad hoc body but must be one appointed for a term of years.

VI. *Tenure of Office and Conditions of Service of Judges*

15. The tenure of office of the judges of the Supreme Court will be the same as that of Federal Court judges under the present Constitution Act and their age of retirement also may be the same (65). Their salary and pensions may be provided for by statutory rules. It is undesirable to have temporary judges in the highest Court in the land. Instead of having temporary judges, the system of having some ad hoc judges out of a panel of Chief Justices or judges of the High Courts may be adopted. In this connection we invite attention to the Canadian practice as embodied in section 30 of the Canadian Supreme Court Act. The section runs as follows:

30. *Appointment of ad hoc judge.* If at any time there should not be a quorum of the judges of the Supreme Court available to hold or continue any session of the Court, owing to a vacancy or vacancies, or to the absence through illness or on leave or in the discharge of other duties assigned by statute or order in council, or to the disqualification of a judge or judges, the Chief Justice, or, in his absence, the senior puisne judge, may in writing request the attendance at the sittings of the Court, as an ad hoc judge, for such period as may be necessary, of a judge of the Exchequer Court, or, should the judges of the said court be absent from Ottawa or for any reason unable to sit, of a judge of a provincial superior court to be designated in writing by the Chief Justice or in his absence by any acting Chief Justice or the senior puisne judge of such provincial court upon such request being made to him in writing.

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4. *Duties.* It shall be the duty of the judge whose attendance has been so requested or who has been so designated in priority to other duties of his office, to attend the sittings of the Supreme Court at the time and for the period for which his attendance shall be required, and while so attending he shall possess the powers and privileges and shall discharge the duties of a puisne judge of the Supreme Court.

16. Not all the recommendations that we have made need find a place in the Constitution Act. The main features may be embodied in the Constitution Act

and detailed provisions in a separate Judiciary Act to be passed by the Union Legislature. The form of procedure in the Supreme Court, e.g., for the enforcement of fundamental rights may also be provided for in the Judiciary Act. We may point out that the prerogative writs of mandamus, prohibition and certiorari have been abolished in England by a statute of 1938. Corresponding orders have been substituted and the Supreme Court of Judicature has been empowered to make rules of court prescribing the procedure in cases where such orders are sought. [See sections 7-10 of the Administration of Justice (Miscellaneous Provisions) Act, 1938.]

17. We understand our terms of reference to relate only to the constitution and powers of the Supreme Court. We have, therefore, said nothing about the High Courts of the Units, although we have had to refer to them incidentally in some of our suggestions relating to the Supreme Court.

S. Vardachariar
A. Krishnaswami Ayyar
B.L. Mitter
K.M. Munshi
B.N. Rau

APPENDIX TO THE SECOND REPORT OF THE UNION POWERS COMMITTEE, AS
ADOPTED BY THE CONSTITUENT ASSEMBLY SO FAR

List I: Federal Legislative List

1. The defence of the territories of the Federation and of every part thereof and generally all preparation for defence, as well as all such acts as may be conducive in times of war to its successful prosecution and after its termination to effective demobilisation.
2. Requisitioning of lands for defence purposes including training and manoeuvres.
3. Central Intelligence Bureau.
4. Preventive detention in the territories of the Federation for reasons of state.
5. The raising, training, maintenance and control of naval, military and air forces and their employment; the strength, organisation and control of the armed forces raised and employed in Indian States.
6. Industries declared by Federal law as being necessary for the purpose of defence or for the prosecution of war.
7. Naval, Military and Air Force works.
- *8. Local self-government in cantonment areas, the constitution and powers within such areas of cantonment authorities, the regulation of house accommodation in such areas and the delimitation of such areas.
9. Arms, firearms, ammunition and explosives.
10. Atomic energy, and mineral resources essential to its production.

11. Foreign affairs; all matters which bring the Federation into relation with any foreign country.
12. Diplomatic, consular and trade representation.
13. United Nations Organisation.
14. Participation in international conferences, associations and other bodies and implementing of decisions made thereat.
15. War and peace.
16. The entering into and implementing of treaties and agreements with foreign countries.
17. Trade and commerce with foreign countries.
18. Foreign loans.
19. Citizenship, naturalisation and aliens.
20. Extradition.
21. Passports and visas.
22. Foreign jurisdiction.
23. Piracies, felonies and offences against the law of nations committed on the high seas and in the air.
24. Admission into, and emigration and expulsion from, the territories of the Federation; pilgrimages to places beyond India.
25. Port quarantine; seamen's and marine hospitals and hospitals connected with port quarantine.
26. Import and export across customs frontiers as defined by the Federal Government.
27. The institutions known on the 15th day of August 1947 as the Imperial Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial and any other institution financed by the Federation wholly or in part and declared by Federal law to be an institution of national importance.
28. The institutions known on the 15th day of August 1947 as the Benares Hindu University and the Aligarh Muslim University.
29. Airways.
30. National highways declared to be such by Federal law.
31. Shipping and navigation on inland waterways, declared by Federal law to be Federal waterways, as regards mechanically propelled vessels, and the rule of the road on such waterways; carriage of passengers and goods on such waterways.
32. (a) Posts and telegraphs: provided that the rights existing in favour of any individual State Unit at the commencement of this Constitution shall be preserved to the Unit until they are modified or extinguished by agreement between the Federation and the Unit concerned or are acquired by the Federation, subject however, always to the power of the Federal Parliament to make laws for their regulation and control;
- (b) Federal telephones, wireless, broadcasting and other like forms of communication; the regulation and control of all other telephones, wireless, broadcasting and other like forms of communication;

(c) Post Office Savings Bank.

33. Federal Railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

34. Maritime shipping and navigation, including shipping and navigation on tidal waters; provision of education and training for the mercantile marine and regulation of such education and training provided by Units and other agencies.

35. Admiralty jurisdiction.

36. Ports declared to be major ports by or under Federal law or existing Indian law including their delimitation; and the constitution and powers of port authorities therein.

37. Aircraft and air navigation; provision of aerodromes; regulation and organisation of air traffic and of aerodromes; provision for aeronautical education and training and regulation of such education and training provided by Units and other agencies.

Note: During their last session the Assembly considered only 37 items of List I and further consideration of the Report was held over.

*Consideration held over.

*8. Report of the Advisory Committee on the subject of Minority Rights
(presented on 27 August 1947)*

(From Vallabhbhai Patel, Chairman, Advisory Committee on Minorities, Fundamental Rights, etc., to the President, Constituent Assembly of India)

Council House, New Delhi

8 August 1947

Dear Sir,

On behalf of the members of the Advisory Committee appointed by the Constituent Assembly on the 24th January 1947 and subsequently nominated by you, I have the honour to submit this report on minority rights. It should be treated as supplementary to the one forwarded to you with my letter No. CA/24/Com./47, dated the 23rd April 1947 and dealt with by the Assembly during the April session. That report dealt with justiciable fundamental rights; these rights, whether applicable to all citizens generally or to members of minority communities in particular, offer a most valuable safeguard for minorities over a comprehensive field of social life. The present report deals with what may broadly be described as political safeguards of minorities and covers the following points:

- (i) Representation in legislatures; joint versus separate electorates; and weightage.
- (ii) Reservation of seats for minorities in Cabinets.
- (iii) Reservation for minorities in the Public Services.
- (iv) Administrative machinery to ensure protection of minority rights.

2. Our recommendations are based on exhaustive discussion both in the Sub-Committee on Minorities as well as in the main Advisory Committee. From the very nature of things, it was difficult to expect complete unanimity on all points. I have pleasure in informing you, however, that our recommendations, where they were not unanimous, were taken by very large majorities composed substantially of members belonging to minority communities themselves.

Joint versus Separate Electorates and Weightage

3. The first question we tackled was that of separate electorates; we considered this as being of crucial importance both to the minorities themselves and to the political life of the country as a whole. By an overwhelming majority, we came to the conclusion that the system of separate electorates must be abolished in the new Constitution. In our judgement this system has in the past sharpened communal differences to a dangerous extent and has proved one of the main stumbling blocks to the development of a healthy national life. It seems specially necessary to avoid these dangers in the new political conditions that have developed in the country and from this point of view the arguments against separate electorates seem to us absolutely decisive.

4. We recommend accordingly that all elections to the Central and Provincial Legislatures should be held on the basis of joint electorates. In order that minorities may not feel apprehensive about the effect of a system of unrestricted joint electorates on the quantum of their representation in the legislature, we recommend as a general rule that seats for the different recognised minorities shall be reserved in the various legislatures on the basis of their population. This reservation should be initially for a period of 10 years, the position to be reconsidered at the end of that period. We recommend also that the members of a minority community who have reserved seats shall have the right to contest unreserved seats as well. As a matter of general principle, we are opposed to weightage for any minority community.

5. For two reasons the application of the above principles to specific minorities was considered in detail by the Committee. In the first place, it was known to us that minorities are by no means unanimous as to the necessity, in their own interests, of statutory reservation of seats in the legislatures. Secondly, the strict application of the above principles to a microscopic minority like the Anglo-Indians seemed to require very careful examination. We accordingly classified minorities into three groups—group 'A' consisting of those with a population of less than 1/2 per cent in the Indian Dominion excluding the States,

group 'B' consisting of those with a population of more than 1/2 per cent but not exceeding 1½ per cent, and group 'C' consisting of minorities with a population exceeding 1½ per cent. These three groups are as follows:

Group 'A'

1. Anglo-Indians.
2. Parsees.
3. Plains' tribesmen in Assam.

Group 'B'

4. Indian Christians.
5. Sikhs.

Group 'C'

6. Muslims.
7. Scheduled Castes.

6. *Anglo-Indians.* The population of the Anglo-Indian community excluding the States is just over a lakh, that is, .04 per cent. Mr. Anthony, on behalf of the Anglo-Indians, contended that the census figures were inaccurate but even admitting a larger figure than the one given in the census, this community is microscopic, and to deal with it on a strictly population basis would mean giving it no representation at all. The representatives of the Anglo-Indians on the committee asked originally that they should have the following representation in the legislatures:

House of the People	3
West Bengal	3
Bombay	2
Madras	2
C.P. & Berar	1
Bihar	1
U.P.	1

Subsequently they asked that they should be guaranteed two seats in the House of the People and one in each Province in which they have representation at present, that is, a total of 8 altogether. After very considerable discussion, in the course of which the representatives of the Anglo-Indian community gave full expression to their views, the Committee unanimously accepted the following formula, namely, that there shall be no reservation of seats for the Anglo-Indians but the President of the Union and the Governors of Provinces shall have power to nominate representatives of the Anglo-Indian community to the Lower House in the Centre and in the Provinces respectively if they fail to secure representation in the legislatures as a result of the general election. We wish to congratulate the representatives of the Anglo-Indian community on the Committee for not pressing their proposals which would not merely have introduced the principle of

special weightage which was turned down as a general proposition by an overwhelming majority but would also have encouraged other small minorities to ask for representation wholly out of proportion to their numbers. We feel sure that by the operation of the formula recommended by us Anglo-Indians will find themselves, given adequate opportunity, effectively to represent in the legislatures the special interests of their community.

7. *Parsees.* In the Minorities Sub-Committee, Sir Homi Modi had urged that in view of the importance of the Parsee community and the contribution it had been making to the political and economic advancement of the country, Parsees should have adequate representation in the Central and Provincial Legislatures. The Sub-Committee were of opinion that this claim should be conceded. In view, however, of the opinion expressed to him by several members that an advanced community like the Parsees would be adequately represented in any event and did not need specific reservation, Sir Homi had asked for time to consider the matter.

When the issue came before the Advisory Committee, Sir Homi stated that though the Committee had already accepted the Parsee community as a recognised minority entitled to special consideration on the same basis as other minorities in Group A, he had decided to follow the traditions which the community had maintained in the past and to withdraw the claim for statutory reservation. He assumed that Parsees would remain on the list of recognised minorities and urged that if, during the period prescribed in the first instance for the special representation of the minorities it was found that the Parsee community had not secured proper representation, its claim would be reconsidered and adequate representation provided, if the separate representation of minorities continued to be a feature of the Constitution. The Committee appreciated the stand taken by Sir Homi and agreed to his proposal.

8. *Plains' tribesmen in Assam.* The case of these tribesmen will be taken up after the report of the Excluded and Partially Excluded Areas Sub-Committee is received.

9. *Indian Christians.* The representatives of the Indian Christians stated that, so far as their community was concerned, they did not desire to stand in the way of nation-building. They were willing to accept reservation proportionate to their population in the Central Legislature and in the Provincial Legislatures of Madras and Bombay. In the other Provinces, they would have the liberty of seeking election from the general seats. They were against any weightage being given to any community, but made it plain that if weightage was given to any minority in Groups 'B' and 'C', they would demand similar weightage. As weightage is not being conceded to any community, this means that the Indian Christians are prepared to throw in their lot with the general community subject only to the reservation of certain seats for them on the population basis in the Central Legislature and in Madras and Bombay.

10. *Sikhs.* In view of the uncertainty of the position of the Sikhs at present, pending the award of the Boundary Commission in the Punjab, the Committee

decided that the whole question of the safeguards for the Sikh community should be held over for the present.

11. *Group 'C'—Muslims and Scheduled Castes.* The Committee came to the conclusion that there are no adequate grounds for departing from the general formula in the case either of the Muslims or of the Scheduled Castes. Accordingly it is recommended that seats be reserved for these communities in proportion to their population and that these seats shall be contested through joint electorates.

12. A proposal was made in the Committee that a member of the minority community contesting a reserved seat should poll a minimum number of votes of his own community before he is declared elected. It was also suggested that cumulative voting should be permitted. The Committee was of the view that a combination of cumulative voting and a minimum percentage of votes to be polled in a community would have all the evil effects of separate electorates and that neither of these proposals should be accepted.

Representation of Minorities in Cabinets

13. Some members of the Committee proposed that there should be a provision prescribing that minorities shall have reserved for them seats in Cabinets in proportion to their population. The Committee came unhesitatingly to the conclusion that a constitutional provision of this character would give rise to serious difficulties. At the same time, the Committee felt that the Constitution should specifically draw the attention of the President of the Union and the Governors of Provinces to the desirability of including members of important minority communities in Cabinets as far as practicable. We recommend accordingly that a convention shall be provided in a schedule to the Constitution on the lines of paragraph VII of the Instrument of Instructions issued to Governors under the Act of 1935 as reproduced below:

VII. In making appointments to his Council of Ministers, our Governor shall use his best endeavours to select his Ministers in the following manner, that is to say, to appoint in consultation with the person who in his judgement is most likely to command a stable majority in the legislature those persons (including so far as practicable members of important minority communities) who will best be in a position collectively to command the confidence of the legislature. In so acting, he shall bear constantly in mind the need for fostering a sense of joint responsibility among his Ministers.

Representation in Services

14. A proposal was made to us that there should be a constitutional guarantee of representation in the public services of the minority communities in

proportion to their population. We are not aware of any other Constitution in which such a guarantee exists and, on merits, we consider as a general proposition that any such guarantee would be a dangerous innovation. At the same time, it is clear to us that consistently with the need of efficiency in administration, it is necessary for the state to pay due regard to the claims of minorities in making appointments to public services. We recommend, therefore, that, as in the case of appointments to Cabinets, there should be in some part of the Constitution or the schedule an exhortation to the Central and Provincial Governments to keep in view the claims of all the minorities in making appointments to public services consistently with the efficiency of administration.

The Anglo-Indian members of our Committee have represented to us that owing to the complete dependence of the economy of their community on their position in certain services and their existing educational facilities, their case require special treatment. We have appointed a sub-committee to investigate this question and to report to us.

15. The minorities' representatives in the Committee naturally attached importance to the provision of administrative machinery for ensuring that the guarantees and safeguards provided for the minorities both in the Constitution and by executive orders are in fact implemented in practice. After considerable discussion, we have come to the conclusion that the best arrangement would be for the Centre and for each of the Provinces to appoint a special Minority Officer whose duty will be to enquire into cases in which it is alleged that rights and safeguards have been infringed and to submit a report to the appropriate legislature.

16. We have felt bound to reject some of the proposals placed before us partly because, as in the case of reservation of seats in Cabinets, we felt that a rigid constitutional provision would have made parliamentary democracy unworkable and partly because, as in the case of the electoral arrangements, we considered it necessary to harmonise the special claims of minorities with the development of a healthy national life. We wish to make it clear, however, that our general approach to the whole problem of minorities is that the state should be so run that they should stop feeling oppressed by the mere fact that they are minorities and that, on the contrary, they should feel that they have as honourable a part to play in the national life as any other section of the community. In particular, we think it is a fundamental duty of the state to take special steps to bring up those minorities which are backward to the level of the general community. We recommend accordingly that a Statutory Commission should be set up to investigate into the conditions of socially and educationally backward classes, to study the difficulties under which they labour, and to recommend to the Union or the Unit Government, as the case may be, the steps that should be taken to eliminate their difficulties and suggest the financial grants

that should be given and the conditions that should be prescribed for such grants.

17. A summary of our recommendations is attached in the Appendix.

Yours truly,
Vallabhbhai Patel
Chairman

Appendix:

REPRESENTATION IN LEGISLATURES

1. *Electorates.* All elections to the Central and Provincial Legislatures will be held on the basis of joint electorates:

Provided that, as a general rule, there shall be reservation of seats for the minorities shown in the schedule in the various legislatures on the basis of their population:

Provided further that such reservation shall be for 10 years, the position to be reconsidered at the end of the period.

Schedule:

Group A. Population less than $\frac{1}{2}$ per cent in the Indian Dominion, omitting States

1. Anglo-Indians.
2. Parsees.
3. Plains' tribesmen in Assam.

B. Population not more than $1\frac{1}{2}$ per cent

4. Indian Christians.
5. Sikhs.

C. Population exceeding $1\frac{1}{2}$ per cent

6. Muslims.
7. Scheduled Castes.

2. *Anglo-Indians.* (a) There shall be no reservation of seats for the Anglo-Indians, but the President of the Union and the Governors of Provinces shall have power to nominate their representatives in the Centre and the Provinces respectively if they fail to secure adequate representation in the legislatures as a result of the general election.

Parsees. (b) There shall be no statutory reservation in favour of the Parsee community, but they would continue to remain on the list of recognised minorities:

Provided that if as a result of elections during the period prescribed in proviso

2 to para 1 above it was found that the Parsee community had not secured proper representation, their claim for reserved seats would be reconsidered and adequate representation provided should the separate representation of minorities continue to be a feature of the Constitution.

[*Note:* The above recommendations represent the view taken by the representatives of the Parsee community.]

3. *Indian Christians.* (a) There shall be reserved representation for Indian Christians in proportion to their population in the Central Legislature and in the Provincial Legislatures of Madras and Bombay. In other Provinces, they will have the right to seek election from the general seats.

Sikhs. (b) The question of minority rights for the Sikhs will be considered separately.

Muslims and Scheduled Castes. (c) There shall be reservation of seats for the Muslims and Scheduled Castes in the Central and Provincial Legislatures on the basis of their population.

4. *Additional right to minorities.* The members of a minority community who have reserved seats shall have the right to contest unreserved seats as well.

5. *No weightage.* The minorities for whom representation has been reserved will be allotted seats on their population ratio, and there shall be no weightage for any community.

6. *No condition for a minimum number of votes of one's own community.* There shall be no stipulation that a minority candidate standing for election for a reserved seat shall poll a minimum number of votes of his own community before he is declared elected.

7. *Method of voting.* There may be plural-member constituencies but cumulative voting shall not be permissible.

REPRESENTATION OF MINORITIES IN CABINETS

8. *No reservation for minorities.* (a) There shall be no statutory reservation of seats for the minorities in Cabinets but a convention on the lines of paragraph VII* of the Instrument of Instructions issued to Governors under the Government of India Act, 1935, shall be provided in a schedule to the Constitution.

RECRUITMENT IN SERVICES

9. *Due share to all minorities guaranteed.* In the All-India and Provincial Services, the claims of all the minorities shall be kept in view in making appointments to these services consistently with the consideration of efficiency of administration.

[*Note:* Appropriate provision shall be embodied in the Constitution or a schedule thereto to this effect.]

10. *Position of Anglo-Indian community.* Owing to the complete dependence of the economy of the Anglo-Indian community on their position in certain services and their existing educational facilities, a sub-committee consisting of the following members has been appointed to submit a report:

1. Pandit G.B. Pant,
2. Mr. K.M. Munshi,
3. Mrs. Hansa Mehta,
4. Mr. S.H. Prater, and
5. Mr. F.R. Anthony.

WORKING OF SAFEGUARDS

11. *Officer to be appointed.* An Officer shall be appointed by the President at the Centre and by the Governors in the Provinces to report to the Union and Provincial Legislatures respectively about the working of the safeguards provided for the minorities.

12. *Statutory Commission for backward classes.* Provision shall also be made for the setting up of a Statutory Commission to investigate into the conditions of socially and educationally backward classes, to study the difficulties under which they labour and to recommend to the Union or the Unit Government, as the case may be, the steps that should be taken to eliminate the difficulties and the financial grants that should be given and the conditions that should be prescribed for such grants.

*VII. In making appointments to his Council of Ministers our Governor shall use his best endeavours to select his Ministers in the following manner, that is to say, to appoint in consultation with the person who in his judgement is most likely to command a stable majority in the legislature those persons (including so far as practicable members of important minority communities) who will best be in a position collectively to command the confidence of the legislatures. In so acting, he shall bear constantly in mind the need for fostering a sense of joint responsibility among his Ministers.

9. *Supplementary Report of the Advisory Committee on the position of the Anglo-Indians in certain services and the grant of special educational facilities for them (presented on 27 August 1947)*

(From Vallabhbhai Patel, Chairman, Advisory Committee on Minorities, Fundamental Rights, etc., to the President, Constituent Assembly of India)

Council House, New Delhi

The 25th August 1947

Sir,

I have the honour to refer to paragraph 14 of my letter No. CA/24/Com/47

dated the 8th August and to submit this supplementary report on the position of Anglo-Indians in certain services and the grant of special educational facilities for them. This report is based on a consideration of the findings of a sub-committee appointed by us.

(a) *Position of Anglo-Indians in Certain Services*

We find that, as a result of historical circumstances the whole economy of this community is at present dependent on finding employment in certain types of posts in the Railways, the Posts & Telegraphs and the Customs Departments. A recent survey conducted by the Provincial Board for Anglo-Indian Education in Bombay showed that 76% of the employable section of the community there were dependent for their livelihood on these appointments. We believe that the position is almost the same all over India; the total number of Anglo-Indians at present employed in these three departments being about 15,000. The special reservation given to them in the Government of India Act, 1935, does not however extend to all the categories of posts in these departments but only in those with which they have had long past associations. In view of this we feel that if the existing safeguards in this regard are not continued in some form for some years to come, the community will be subjected to a sudden economic strain which it may not be able to bear. We therefore recommend that

- (i) The present basis of recruitment of Anglo-Indians in the Railways, the Posts & Telegraphs and the Customs Departments shall continue unchanged for a period of two years after the coming into operation of the Federal Constitution. After that, at intervals of every two years the reserved vacancies shall be reduced each time by 10%. This shall not, however, bar the recruitment of Anglo-Indians in the categories of posts in which at present they have reserved places *over and above* the prescribed quota of reserved appointments, if they are able to secure them on individual merit in open competition with other communities. It shall also in no way prejudice their recruitment on merit to posts in these departments, or any other in which they have not been given a reserved quota.
- (ii) After a period of ten years from the date of the coming into operation of the Federal Constitution all such reservations shall cease.
- (iii) In these services there shall be no reservation for any community after the lapse of 10 years.

(b) *Special Educational Facilities for Anglo-Indians*

There are at present about 500 Anglo-Indian schools in India. The total Government grant to these schools is about Rs.45 lakhs being approximately 24% of the expenditure incurred by the schools. We feel that a sudden reduction in the grant will seriously dislocate the economy of these schools; and that it

would only be fair to bring them gradually into line with other similar educational institutions after giving them sufficient time and opportunity to adjust themselves to the altered conditions now prevailing in the country. We also feel that in this way these institutions might become a valuable educational asset which should cater to the growing educational needs of the whole nation and not only to those of the Anglo-Indian community. We accordingly recommend that

- (i) The present grants to Anglo-Indian education made by the Central and Provincial Governments should be continued unchanged for three years after the coming into operation of the Federal Constitution.
- (ii) After the expiry of the first three years, the grants may be reduced by 10% and by a further 10% after the 6th year, and again by a further 10% after the ninth year. At the end of the period of 10 years, special concessions to Anglo-Indian schools shall cease.
- (iii) During this 10-year period, 40% of the vacancies in all such state-aided Anglo-Indian schools shall be made available to members of other communities.

The term 'Anglo-Indian' used in this Report has the meaning given to it in the Government of India Act, 1935.

Yours sincerely,
Vallabhbhai Patel

APPENDIX TO THE REPORT OF THE ADVISORY COMMITTEE ON THE SUBJECT OF
MINORITY RIGHTS, AS ADOPTED BY THE CONSTITUENT ASSEMBLY DURING
THE AUGUST 1947 SESSION

Representation in Legislatures

1. *Electorates.* All elections to the Central and Provincial Legislatures will be held on the basis of joint electorates:

Provided that, as a general rule, there shall be reservation of seats for the minorities shown in the schedule and the section of the Hindu community referred to in paragraph 1-A hereof in the various Provincial Legislative Assemblies on the basis of their population:

Provided further that such reservation shall be for 10 years, the position to be reconsidered at the end of the period.

Schedule:

Group A. Population less than $\frac{1}{2}$ per cent in the Indian Dominion,
omitting States

1. Anglo-Indians.

2. Parsees.
3. Plains' tribesmen in Assam, other than tea garden tribes.
- B. Population not more than $1\frac{1}{2}$ per cent
 4. Indian Christians.
 5. Sikhs.
- C. Population exceeding $1\frac{1}{2}$ per cent
 6. Muslims.

1-A. The section of the Hindu community referred to as Scheduled Castes as defined in Schedule I to the Government of India Act, 1935, shall have the same rights and benefits which are herein provided for minorities specified in the schedule to paragraph 1.

2. *Anglo-Indians.* (a) There shall be no reservation of seats for the Anglo-Indians, but the President of the Union and the Governors of Provinces shall have power to nominate their representatives in the Centre and the Provinces respectively if they fail to secure adequate representation in the legislatures as a result of the general election.

Parsees. (b) There shall be no statutory reservation in favour of the Parsee community, but they would continue to remain on the list of recognised minorities:

Provided that if as a result of elections during the period prescribed in proviso 2 to para 1 above it was found that the Parsee community had not secured proper representation, their claim for reserved seats would be reconsidered and adequate representation provided should the separate representation of minorities continue to be a feature of the Constitution.

[*Note:* The above recommendations represent the view taken by the representatives of the Parsee community.]

3. *Indian Christians.* (a) There shall be reserved representation for Indian Christians in proportion to their population in the Central Legislature and in the Provincial Legislatures of Madras and Bombay. In other Provinces, they will have the right to seek election from the general seats.

East Punjab. (b) In view of the special situation of East Punjab, the whole question relating to it will be considered later.

Muslims. (c) There shall be reservation of seats for the Muslims in the Lower Houses of the Central and Provincial Legislatures on the basis of their population.

3-A. The section of the Hindu community referred to as Scheduled Castes as defined in Schedule I to the Government of India Act, 1935, shall have the same rights and benefits which are herein provided for the minority community specified in paragraph 3 (c).

4. *Additional right to minorities.* The members of a minority community who have reserved seats shall have the right to contest unreserved seats as well.

In view of the special situation of West Bengal, the question relating to it will be considered later.

5. *No weightage.* The minorities for whom representation has been reserved will be allotted seats on their population ratio, and there shall be no weightage for any community.

6. *No condition for a minimum number of votes of one's own community.* There shall be no stipulation that a minority candidate standing for election for a reserved seat shall poll a minimum number of votes of his own community before he is declared elected.

7. *Method of voting.* There may be plural-member constituencies, but the voting shall be distributive, that is, each voter will have as many votes as there are members and he should give only one vote to a candidate.

Representation of Minorities in Cabinets

8. *No reservation for minorities.* (a) There shall be no statutory reservation of seats for the minorities in Cabinets but a convention on the lines of paragraph VII* of the Instrument of Instructions issued to Governors under the Government of India Act, 1935, shall be provided in a schedule to the Constitution.

Recruitment in Services

9. *Due share to all minorities guaranteed.* In the All-India and Provincial Services, the claims of all the minorities shall be kept in view in making appointments to these services consistently with the consideration of efficiency of administration.

[Note: Appropriate provision shall be embodied in the Constitution or a schedule thereto to this effect.]

10. *Position of Anglo-Indian community.* (a) (i) The present basis of recruitment of Anglo-Indians in the Railways, the Posts and Telegraphs and the Customs Departments shall continue unchanged for a period of two years after the coming into operation of the Federal Constitution. After that, at intervals of every two years, the reserved vacancies shall be reduced each time by 10%. This shall not however bar the recruitment of Anglo-Indians in the categories of posts in which at present they have reserved places *over and above* the prescribed quota of reserved appointments, if they are able to secure them on individual merit in open competition with other communities. It shall also in no way prejudice their recruitment on merit to posts in these departments, or any other in which they have not been given a reserved quota.

(ii) After a period of ten years from the date of the coming into operation of the Federal Constitution all such reservations shall cease.

(iii) In these services there shall be no reservation for any community after the lapse of 10 years.

(b) (i) The present grants to Anglo-Indian education made by the Central and Provincial Governments should be continued unchanged for three years after the coming into operation of the Federal Constitution.

(ii) After the expiry of the first three years, the grants may be reduced by 10% and by a further 10% after the sixth year, and again by a further 10% after the ninth year. At the end of the period of 10 years, special concessions to Anglo-Indian schools shall cease.

(iii) During this 10-year period, 40% of the vacancies in all such state-aided Anglo-Indian schools shall be made available to members of other communities.

Working of Safeguards

11. *Officer to be appointed.* An Officer shall be appointed by the President at the Centre and by the Governors in the Provinces to report to the Union and Provincial Legislatures respectively about the working of the safeguards provided for the minorities.

12. *Statutory Commission for backward classes.* Provision shall also be made for the setting up of a Statutory Commission to investigate into the conditions of socially and educationally backward classes, to study the difficulties under which they labour and to recommend to the Union or the Unit Government, as the case may be, the steps that should be taken to eliminate the difficulties and the financial grants that should be given and the conditions that should be prescribed for such grants.

*VII. In making appointments to his Council of Ministers our Governor shall use his best endeavours to select his Ministers in the following manner, that is to say, to appoint in consultation with the person who in his judgement is most likely to command a stable majority in the legislature those persons (including so far as practicable members of important minority communities) who will best be in a position collectively to command the confidence of the legislature. In so acting, he shall bear constantly in mind the need for fostering a sense of joint responsibility among his Ministers.

10. Report of the Committee on Functions of the Constituent Assembly of India under the Indian Independence Act, 1947 (presented on 29 August 1947)

(From G.V. Mavalankar, Chairman, Committee on Functions of the Constituent Assembly under the Indian Independence Act, to the President, Constituent Assembly of India)

Council House, New Delhi
The 25th August 1947

Sir,

On behalf of the members of the Committee* appointed by you on the 21st of

August 1947, to consider and report on certain matters connected with the future working of the Constituent Assembly, I beg to submit this report.

I. Preliminary

2. At our first meeting on Friday the 22nd, I was elected Chairman. The Committee met also on the 23rd and the 25th.

3. Our terms of reference are:

- (1) What are the precise functions of the Constituent Assembly under the Indian Independence Act?
- (2) Is it possible to distinguish between the business of the Constituent Assembly as a constitution-making body and its other business and can the Constituent Assembly set apart certain days or periods solely for the former?
- (3) Should the members representing the Indian States in the Constituent Assembly be given the right to take part in proceedings which do not relate to constitution-making or to the subjects in respect of which they have acceded?
- (4) What new Rules or Standing Orders, if any, and what amendments, if any, in the existing Rules or Standing Orders should be made by the Constituent Assembly or its President?

We proceed to state our views on these terms in the order mentioned.

II. First Term of Reference

4. The business to be transacted by the Constituent Assembly falls under two categories:

- (a) To continue and complete the work of constitution-making which commenced on the 9th December 1946; and
- (b) To function as the Dominion Legislature until a Legislature under the new Constitution comes into being.

III. Second Term of Reference

5. It is not only possible but necessary for the proper functioning of the Constituent Assembly in its two capacities that its business as a constitution-making body should be clearly distinguished from its normal business as the Dominion Legislature. We consider that for the purpose of avoiding complications and confusion, different days, or separate sittings on the same day, should be set apart for the two kinds of business.

IV. Third Term of Reference

6. We agree that, as implied in the wording of this term of reference, the members of the Assembly representing the Indian States are entitled to take part

in the proceedings of the Assembly on all days set apart for the business of constitution-making. They further have the right on days set apart for the functioning of the Assembly as the Dominion Legislature to participate in business relating to subjects in respect of which the States have acceded to the Dominion. Though it is competent for the Constituent Assembly to deny or limit their participation in business relating to subjects in respect of which the States have not acceded, we would recommend that no ban or restriction be placed by rule on their participation in such business also.

V. Fourth Term of Reference

7. So far as constitution-making is concerned, the existing Rules of Procedure and Standing Orders made by the Constituent Assembly and its President are adequate and only such amendments need be made therein from time to time as may be considered necessary in the light of experience. As regards the functioning of the Constituent Assembly as the Dominion Legislature, under section 8(2) of the Indian Independence Act, the relevant provisions of the Government of India Act as adapted and the Rules and Standing Orders of the Indian Legislative Assembly have generally to be followed. It will, however, be necessary to make modifications and adaptations in these Rules and Standing Orders in respect of matters common to both the classes of business to be transacted by the Assembly. We have not been able, within the time at our disposal, to attempt a detailed examination of these Rules and Standing Orders with a view to make suggestions as regards the modifications, adaptations and additions that may be necessary. We would suggest that necessary modifications, adaptations and additions be made under the orders of the President.

8. We desire to refer to three matters of importance which, besides being relevant to the main issue remitted to us for consideration, have a bearing on the question of the need for the making by the Constituent Assembly or its President of new Rules or Standing Orders and the amendment of existing Rules or Standing Orders.

9. The provisions for the election of a Speaker in section 22 of the Government of India Act, 1935, have been omitted. This read together with the other modifications carried out in that Act show that the President of the Constituent Assembly is the person to preside over it when functioning as the Dominion Legislature also, unless other provision is made in the Rules of Procedure of the Constituent Assembly itself for the election of an Officer for the purpose of presiding over the Assembly when transacting ordinary legislative business. It has to be remembered that though transacting two kinds of business, the Assembly is one and can have only one President who is the supreme head of it both on its deliberative side and on its administrative side. We would, however, point out that it would be constitutionally inappropriate for the person presiding over the Constituent Assembly when functioning as the Dominion Legislature

being also a Minister of the Dominion Government. It is obviously desirable that steps should be taken for avoiding this anomaly. We would suggest that for this purpose the following alternatives might be considered:

- (a) The President of the Constituent Assembly should be a person whose whole time is given to the work of the Assembly both when engaged on constitution-making and when transacting business of the Dominion Legislature.
- (b) If the President of the Constituent Assembly is a Minister, provision may be made in the Rules of the Constituent Assembly for the election of an Officer to preside over the deliberations of the Assembly when functioning as the Dominion Legislature.

10. Under the Government of India Act as adapted, the power of summoning and proroguing the Dominion Legislature vests in the Governor-General. We consider that, consistently with the powers which of right belong to the Constituent Assembly and with the Rules already made by it and with a view to secure proper coordination of the work of the Assembly in its two spheres, this power of summoning that Assembly for functioning as the Dominion Legislature and proroguing it should also vest only in the President. A new Rule to this effect may be added to the Constituent Assembly Rules of Procedure and a further adaptation of the relevant section of the Government of India Act may be made to bring it into conformity with this new Rule.

11. At present five members of the Dominion Government have no seats in the Constituent Assembly. These Ministers have the right to participate in the business of the Constituent Assembly when functioning as the Dominion Legislature, though they will not have the right to vote. They will, however, not have the right even to participate in the work of the Constituent Assembly when it transacts business connected with constitution-making. We, however, recommend that such Ministers may by a suitable addition to the Rules of the Constituent Assembly be given the right to attend and participate in its work of constitution-making, though until they become members of the Constituent Assembly they will not have any right to vote.

Yours sincerely,
G.V. Mavalankar
Chairman

*Members of the Committee:

- 1. Shri G.V. Mavalankar (*Chairman*)
- 2. Mr. Hussain Imam.
- 3. The Hon'ble Shri Purushottamdas Tandon.
- 4. Dr. B.R. Ambedkar.
- 5. Sir Alladi Krishnaswami Ayyar.
- 6. Sir N. Gopalaswami Ayyangar.
- 7. Sir B.L. Mitter.

11. Resolution adopted by the Constituent Assembly of India on the Report submitted by the Committee on Functions of the Constituent Assembly under the Indian Independence Act, 1947 (presented on 29 August 1947)

1. That with reference to the Motion* by the Hon'ble Dr. B.R. Ambedkar regarding the consideration of the Report on the Functions of the Constituent Assembly under the Indian Independence Act, it is hereby resolved that:

- (i) The functions of the Assembly shall be
 - (a) to continue and complete the work of constitution-making which commenced on the 9th December 1946, and
 - (b) to function as the Dominion Legislature until a Legislature under the new Constitution comes into being.
- (ii) The business of the Assembly as a constitution-making body should be clearly distinguished from its normal business as the Dominion Legislature, and different days or separate sittings on the same day should be set apart for the two kinds of business.
- (iii) The recommendations contained in para 6 of the Report regarding the position of representatives of Indian States in the Assembly be accepted.
- (iv) Suitable provision should be made in the Rules of the Constituent Assembly for the election of an officer to be designated the Speaker to preside over the deliberations of the Assembly when functioning as the Dominion Legislature.
- (v) The power of summoning the Assembly for functioning as the Dominion Legislature and proroguing it should vest in the President.
- (vi) Ministers of the Dominion Government, who are not members of the Constituent Assembly, should have the right to attend and participate in its work of constitution-making, though until they become members of the Constituent Assembly they should not have any right to vote.
- (vii) Necessary modifications, adaptations and additions should be made
 - (a) by the President of the Constituent Assembly to the Rules and Standing Orders of the Indian Legislative Assembly to bring them into accord with the relevant provisions of the Government of India Act as adapted under the Indian Independence Act, 1947;
 - (b) by the Constituent Assembly or the President, as the case may be, to the Rules and Standing Orders to carry out the provisions of para 9 of the Report and where necessary to secure an appropriate adaptation of the relevant section of the Government of India Act to bring it into conformity with the new Rule.

*"Resolved that this Assembly do proceed to take into consideration the Report on the Functions of the Constituent Assembly under the Indian Independence Act, 1947, submitted by the Committee appointed by the President in pursuance of the decision of the Assembly of the 20th August 1947."

12. *Supplementary Report of the Advisory Committee on the subject of Fundamental Rights*

(From Vallabhbhai Patel, Chairman, Advisory Committee on Minorities, Fundamental Rights, etc., to the President, Constituent Assembly of India)

Council House, New Delhi
The 25th August 1947

Dear Sir,

In continuation of my letter No. CA/24/Com/47, dated the 23rd April 1947, I have the honour, on behalf of the Committee, to submit this supplementary report on Fundamental Rights.

2. We have come to the conclusion that, in addition to justiciable fundamental rights, the Constitution should include certain directives of state policy which, though not cognisable in any court of law, should be regarded as fundamental in the governance of the country. The provisions that we recommend are contained in Appendix A.

3. In para 8 of our previous report, we had referred to the recommendation of the Fundamental Rights Sub-Committee that the right of the citizen to have redress against the state in a court of law should not be fettered by undue restrictions. After careful consideration, we have come to the conclusion that it is not necessary to provide in the Constitution for any further right in this connection than those already contained in clause 22 as accepted by the Assembly in the April-May session.

4. The Constituent Assembly had referred back to us clauses 16, 17 and 18(2) of our previous report. We have re-examined the clauses and our recommendations are as follows:

Clause 16. "No person attending any school maintained or receiving aid out of public funds shall be compelled to take part in the religious instruction that may be given in the school or to attend religious worship held in the school or in premises attached thereto."

We recommend that this clause be accepted by the Assembly in its present form.

Clause 17. "Conversion from one religion to another brought about by coercion or undue influence shall not be recognised by law."

It seems to us on further consideration that this clause enunciates a rather obvious doctrine which it is unnecessary to include in the Constitution and we recommend that it be dropped altogether.

Clause 18(2). "No minority whether based on religion, community or language shall be discriminated against in regard to the admission into state educational institutions, nor shall any religious instruction be compulsorily imposed on them."

We recommend that the latter portion of the clause, namely, "nor shall any religious instruction be compulsorily imposed on them", be deleted in view of

clause 16 above which we have recommended for retention. We recommend that the rest of the clause be adopted by the Assembly.

We have examined the question as to whether the scope of the clause should be extended so as to include *state-aided* educational institutions also and have come to the conclusion that in present circumstances we would not be justified in making any such recommendation.

5. The Fundamental Rights Sub-Committee in their report to us had recommended the adoption of Hindustani, written either in Devanagari or the Persian script, as the national language of the Union of India, but we had thought fit to postpone consideration of the matter in April 1947. In view of the fact that the Constituent Assembly is already seized of the matter by certain recommendations of the Union Constitution Committee's report, we think it unnecessary to incorporate any provision on the subject in the list of Fundamental Rights.

6. We have also examined numerous amendments in the nature of new provisions, notice of which had been given by several members during the April-May session of the Assembly, and have not been able to accept any of them. Some of them relate to matters which have already been provided for either in the clauses already accepted by the Assembly or in the new clauses which we have recommended in this report; and the others seem to us unnecessary or inappropriate.

Yours sincerely,
Vallabhbhai Patel
Chairman

Appendix:

FUNDAMENTAL PRINCIPLES OF GOVERNANCE

Preamble

1. The principles of policy set forth in this part are intended for the guidance of the state. While these principles are not cognisable by any court, they are nevertheless fundamental in the governance of the country and their application in the making of laws shall be the duty of the state.

Principles

2. The state shall strive to promote the welfare of the whole people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.

3. The state shall, in particular, direct its policy towards securing

(i) that the citizens, men and women equally, have the right to an adequate means of livelihood;

- (ii) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
- (iii) that the operation of free competition shall not be allowed to result in the concentration of the ownership and control of essential commodities in a few individuals to the common detriment;
- (iv) that there shall be equal pay for equal work for both men and women;
- (v) that the strength and health of workers, men and women, and the tender age of children shall not be abused and that citizens shall not be forced by economic necessity to enter avocations unsuited to their age and strength;
- (vi) that childhood and youth are protected against exploitation and against moral and material abandonment.

4. The state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness, disablement, and other cases of undeserved want.

5. The state shall make provision for securing just and humane conditions of work and for maternity relief for workers.

6. The state shall endeavour to secure, by suitable legislation, economic organisation and in other ways, to all workers, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities.

7. The state shall endeavour to secure for the citizens a uniform civil code.

8. Every citizen is entitled to free primary education, and it shall be the duty of the state to provide within a period of 10 years from the commencement of this Constitution for free and compulsory primary education for all children until they complete the age of 14 years.

9. The state shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the aboriginal tribes, and shall protect them from social injustice and all forms of exploitation.

10. The state shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties.

11. It shall be the obligation of the state to protect every monument or place or object of artistic or historic interest, declared by the law of the Union to be of national importance, from spoliation, destruction, removal, disposal or export, as the case may be, and to preserve and maintain according to the law of the Union all such monuments or places or objects.

12. The state shall promote international peace and security by the prescription of open, just and honourable relations between nations; by the firm establishment of the understandings of international law as the actual rule of conduct among governments and by the maintenance of justice and the scrupulous respect for treaty obligations in the dealings of organised people with one another.

13. *Report of the Expert Committee on Financial Provisions of the Union Constitution*

(From M.V. Rangachari, Member-Secretary, Expert Committee on Financial Provisions, to the Secretary, Constituent Assembly of India)

CONSTITUENT ASSEMBLY OF INDIA

Council House, New Delhi
December 5, 1947

Sir,

I have the honour to forward herewith the Report of the Expert Committee on Financial Provisions of the Union Constitution for submission to the Hon'ble the President.

I have the honour to be,
Sir,
Your most obedient servant,
M.V. Rangachari
Member-Secretary

REPORT OF THE EXPERT COMMITTEE ON FINANCIAL PROVISIONS OF THE
UNION CONSTITUTION

New Delhi
December 5, 1947

We were appointed by the President of the Constituent Assembly to examine and report on the Financial Provisions of the Constitution Act with the following terms of reference:

Terms of Reference

I. To examine, with the aid of the memoranda on the distribution of revenue between the Centre and the Provinces sent by the Government of India and the Provinces, the existing provisions relating to finance and borrowing powers in the Government of India Act, 1935, and their working during the last ten years and to make recommendations as to the entries in the lists and sections to be embodied in the new Constitution.

The following points shall, in particular, be kept in view in making the recommendations:

- (a) How are taxes to be allocated between the Centre and the Units as regards legislation, levy and collection?
- (b) Which are the Federal taxes

- (i) whose net proceeds are to be retained entirely by the Centre;
- (ii) whose net proceeds are to be entirely made over to Units;
- (iii) whose net proceeds are to be shared between the Centre and the Units?
- (c) On what principles the taxes mentioned in (b)(iii) are to be shared between the Centre and the Units?
- (d) What is to be the machinery for determining the shares: e.g., whether a Financial Commission should be appointed immediately after the enactment of the Constitution to report on the principles of sharing and their application to be brought into effect when the Constitution comes into force; and whether the same or a similar Commission should review these principles and their concrete application periodically, say, once in five years?

II. What should be the principles on which Federal grants should be made to the Units in future? What should be the machinery for the determination of such grants: could the same Financial Commission as is referred to in I (d) above act as the machinery for this purpose also, or should it be a different one?

III. How could the Indian States be fitted into this general system as far as possible on the same terms as Provinces? Should a time lag be provided for their being so fitted in?

IV. On the assumption of financial responsibility for Defence, Foreign Affairs and Communications on behalf of the Indian States under arrangements for accession to the Federation, what special financial arrangements, if any, are necessary between the acceding States and the Federation?

V. Should the existing rights of the Indian States as to Federal taxes now levied by them be acquired on payment of compensation?

VI. How far is it feasible, on the centralisation of all customs levied at the Federal frontiers, to permit Indian States affected by such centralisation to retain such portion of the customs so levied at their frontiers as might be attributed to consumption in the States, etc.? [A review of the existing agreements between the Centre and certain important Indian States as regards maritime customs, excises, etc., may be of value in this connection.]

VII. Some Provinces have claimed a larger percentage of the income-tax to be made over to them than under the existing system. Does this claim merit consideration; if so, to what extent?

VIII. A suggestion has been made that the Centre should be allocated only the excises on specified commodities, the rest of the field of excise being left to the Provinces to tap according to their needs. Would this be possible without any material detriment to Federal revenue?

IX. On the basis that the residuary powers are vested in the Centre in the new Constitution so far as the Provinces are concerned, and in the States so far as the States are concerned, is it necessary that any additional specific taxes should be entered in the Provincial List, and if so, what?

X. Is it necessary to make any modifications in the existing provisions as regards procedure in financial matters contained in sections 33 to 37 and 78 to 83

of the Government of India Act, 1935?

XI. A large number of Indian States at present derive substantial revenues from land customs levied at the frontiers between their limits and those of neighbouring States or Provinces. One of the fundamental rights already adopted by the Constituent Assembly is to remove all internal barriers in regard to trade between Unit and Unit. Could these land customs be done away with either immediately or over a period of years, and, if so, should any prejudice caused thereby to the finances of particular States be compensated and in what manner?

[The Committee should kindly indicate clearly which of its recommendations should go into the body of the Constitution and which should be provided for by Federal law.]

Prefatory Remarks

2. We began our work on the 17th November and have been sitting continuously. We have received memoranda from the various Provincial Governments setting out their claims for larger resources as well as their points of view in connection therewith. We have also received a memorandum from the Ministry of Finance of the Central Government giving a picture of the financial position of the Centre in the near future. The Secretariat of the Constituent Assembly has collected for us information on various matters relating to the States, and also helpful information regarding other Federations. It has also prepared a draft of the sections which come within our terms of reference; and this has considerably helped us in our work. We are indebted for all these memoranda, information and drafts. We are also indebted to some of the Provincial authorities who appeared before us in person and discussed with us informally the questions arising out of the memoranda presented by their Governments. We availed ourselves also of the specialised knowledge and experience of not only some of the officials of the Central Secretariat, but of some members of the Constituent Assembly and others who have unique knowledge of some of the problems under our consideration. All our discussions, however, were free and informal; and we did not, therefore, record any evidence, apart from the memoranda placed before us.

3. In particular, the other two of us would like to place on record our grateful appreciation of the assistance we have received from our colleague and Secretary Mr. Rangachari who, amidst his exacting, multifarious duties, including the preparation of the interim budget, not only found time regularly to attend our meetings, but also placed his wide knowledge and experience at our disposal, and arranged to secure at short notice most of the available information required by us. We should also like to thank Mr. B. Das Gupta of the West Bengal Government Secretariat for the intelligent and extremely well informed assistance he gave us. We are also indebted to Mr. Mukerjee, Joint Secretary of the Constituent Assembly, for his help throughout our sittings and in particular

for putting our recommendations in the shape of draft amendments to the Constitution.

4. Our terms of reference may be divided broadly into the four following groups:

- (1) Relations between the Centre and the Units, and between the Units inter se;
- (2) Financial procedure, i.e. relating to the budget, expenditure and money Bills;
- (3) Borrowing powers of Units; and
- (4) Relations of the Union with the States.

We have accordingly, for convenience, regrouped our terms of reference as follows:

- (1) I, VII, VIII, XI, II
- (2) X
- (3) I
- (4) III, IV, V, VI, XI

and discussed them, as far as possible, in the above order.

Brief History of Financial Relations

5. Before dealing with the working of the financial arrangements in the Government of India Act, 1935, it is necessary to give a brief account of the earlier arrangements so that we can have a correct picture of the problems before us.

6. The period before the passing of the Government of India Act, 1935, falls into two well-defined parts, namely, the period ending with the 31st March 1921, i.e., before the operation of the Government of India Act, 1919, and the period covered by that Act.

7. The process of financial development in this country has been one of evolution from a unitary to a quasi-federal type. The Government of India started as a completely unitary Government in entire control of the revenues of the country with the Provincial Governments depending on the Central Government for all their requirements. In the earlier years, Provincial Governments were given fixed grants for meeting the expenditure on specific services, and the first step in making specific sources available to them was taken when the Provincial Governments were given the whole or part of certain heads of revenue like Forest, Excise, Licence Fees (later to develop into Income-tax), Stamps, Registration, Provincial Rates, Law and Justice, Public Works, Education, etc. The funds released by this allocation were not adequate for the requirements of the Provinces and had to be supplemented, mainly by sharing with them in varying proportions the main source of Central revenue, namely,

Land Revenue, and partly by making to them additional cash assignments. In 1904, the settlements with the Provinces were made quasi-permanent, thereby making the Provinces less dependent on the fluctuating grants from the Centre. This method of financing the Provinces was examined more than once and retained as the best suited to the then circumstances.

8. The Government of India Act, 1919, which, among other things, aimed at giving a reasonable measure of autonomy to the Provinces as the first step in the process of self-government, made the first clear-cut allocation of resources between the Centre and the Provinces without having any divided heads between them. Under this Act, certain specific heads were given wholly to the Provinces and the remaining sources were retained by the Centre. Thus, among the principal heads of revenue, land revenue, excise and stamps were given to the Provinces, while the Centre retained customs, income-tax, salt and opium. Of the three great commercial departments of Government, Railways and Posts and Telegraphs were retained by the Centre, while Irrigation was handed over to the Provinces.

9. This allocation of resources between the Centre and the Units, particularly the assignment of the whole of land revenue to the Provinces, left the Central Budget in a substantial deficit; and in the earlier years of this scheme, the Centre had to depend on the Provinces for contributions for balancing its budget. These contributions were fixed by what is commonly known as the Meston Award, and were designed to produce for the Centre an estimated shortfall of Rs.9.8 crores resulting from the rearrangement of resources between the Centre and the Provinces. The contributions ranged from Rs.348 lakhs from Madras to Rs.15 lakhs from Assam, while one Province, namely, Bihar and Orissa, had to make no contribution at all. It is unnecessary for the present purpose to describe in detail the method by which these contributions were fixed. It is enough to mention that they became a source of constant friction between the Centre and the Provinces; and when substantial Provincial deficits occurred, an unceasing clamour developed for their withdrawal. Between 1925 and 1928 these contributions were partially remitted and they were completely extinguished in 1929.

10. The experience of the years under the 1919 Act clearly showed that the sources of revenue allocated to the Provinces were inelastic; and were insufficient to meet the increasing requirements of the Provinces for their expanding needs for nation-building services such as Education, Medical Relief, Public Health, etc., which fell almost wholly in the Provincial field. It was clear that some additional revenue heads had to be released to the Provinces; and while the Government of India Act, 1935, did not make any radical change in the allocation of heads between the Centre and the Units, it revived in a somewhat modified form the earlier principle of dividing the proceeds of certain Central heads, the two heads concerned being customs and taxes on income. The Act also provided for the grant of fixed subventions to some of the smaller Provinces, and gave the Centre power to raise excise and export duties for distribution among the Provinces and federating States. After an enquiry into the relative

needs of the Centre and the Provinces by Sir Otto Niemeyer, the Provincial shares in the divided heads of Central revenue and the subventions to some of the Provinces were fixed by an Order-in-Council, which, subject to a modification during the war, continued till 15th August 1947.

Present Constitutional Position

11. Under the Government of India Act, 1935, which is the starting point of our enquiry, the taxing jurisdictions of the Central and Provincial Legislatures are entirely separate. But, while the Provinces retain the whole of the net proceeds of all taxes levied by them, the Central Government has to give away either in part or in whole the net proceeds of some of the taxes levied by it.

12. The taxes, the net proceeds of which are to be given away wholly to the Provinces, if levied, are

- (1) Federal estate and succession duties,
- (2) Federal stamp duties,
- (3) Terminal taxes on goods and passengers carried by railway or air,
- (4) Taxes on railway fares and freights.

The Centre can levy a surcharge on those taxes entirely for its own purpose. None of these taxes has in fact been levied, except that the Federal stamp duties continue to be levied under the old laws, the duties however being collected and retained by the Provinces.

13. The Federal taxes, the net proceeds of which are to be shared with the Provinces, fall into two groups:

- (1) taxes, the sharing of the net proceeds of which has been made obligatory by the Constitution, viz., income-tax and jute export duty;
- (2) taxes, the sharing of the net proceeds of which has been left to be determined by the Federal Legislature, viz., Central excise including duty on salt, and export duties except on jute and jute products. The Central Legislature has levied certain taxes under these heads, but has not provided for giving any share to the Provinces.

14. Besides providing for giving away the net proceeds of taxes in whole or in part to the Provinces, the Constitution also provides for fixed grants-in-aid to some Provinces.

15. There is also a general provision for giving grants to Provinces at the discretion of the Central Government either for general or specific purposes.

16. Two tables showing the Constitutional position in respect of the revenues of the Federal and Provincial Governments respectively under the Government of India Act, 1935, will be found in Appendix 1. We are indebted to Mr. Ayyangar's commentary on the Government of India Act, 1935, for these tables.

Review of Finances of Provinces and the Centre

17. Two tables giving the financial position of the Provinces and the Centre during the years 1937-38 to 1946-47 are set out in Appendix II. In considering the working of the existing arrangements during the last decade, the most important point to note is that war broke out soon after the Government of India Act, 1935, came into operation.

18. During the war, all Provinces except Bengal and Assam had surplus budgets. Revenue receipts increased several times, mainly on account of wartime conditions and also because the Provinces levied a number of new taxes and increased the rates of existing ones; there were remarkable increases in receipts under Provincial, i.e., liquor and drugs, excises, and in the Provincial share of income-tax. Most Provinces were under section 93 administration. All development work was stopped. The Provinces are now faced with a heavy programme of expenditure without any corresponding increase in revenue. On the contrary, even apart from voluntary abandonment of revenue as in the case of liquor excise, the revenue is likely to go down much below wartime levels. Land revenue, both in the permanently and temporarily settled Provinces, is not likely to expand. State purchase of zamindaris will not bring any return for years to come. In ryotwari Provinces, remissions are likely to be more liberal than before, and there is thus little prospect of an increase in land revenue. Receipts from stamps and registration fees are not likely to increase much, while forest revenue will perhaps dwindle on account of large-scale felling during the war. Receipts from sales tax, electricity tax and entertainment tax may not fall, though they will be below the wartime peak for some time to come.

19. During the war and after, most of the Provincial Governments have practically exhausted the entire field of taxation reserved for them. Moreover, Provincial Governments have to share the provincial field with local bodies, and, on that account too, need adequate resources. A substantial transfer of revenues from the Centre to the Provinces, therefore, seems inevitable, if essential and overdue programmes of social service and economic development have to be undertaken.

20. At this stage, we would refer to the adoption, by most Provincial Governments, of a prohibitionist policy, and of the inevitable loss of substantial revenue by all of them. Obviously, it is for the Provinces to find alternative provincial resources from which to recoup the loss; and, in any case, it would not be practicable for Provinces to expect sufficient assistance from the Centre for this purpose, at any rate for many years. The point that we wish to emphasise is that it will be for the Provincial Governments to balance the urgency of schemes of development against the advisability of social reforms like prohibition, and that, in any case, they must not embark on schemes, whether of reform or development, depending merely on the possibility of obtaining assistance automatically from the Centre.

21. To turn now to the Centre, it has been working on deficit budgets. The

large surpluses that were expected sometime ago have not been, and are not likely to be, realised, mainly because of the food shortage, the refugee problem and other causes arising out of the partition of the country, particularly, continued heavy expenditure on Defence. These are, however, temporary problems, and we consider that the financial position of the Centre is essentially sound. As these temporary problems are solved, the budgetary position of the Centre will necessarily get better. There is scope for improvement in the administration of Central taxes, and particularly of taxes on income. In respect of taxes on income, it should be possible for the Centre not only to collect more in future in the ordinary course every year, but to secure for the exchequer, by legislative changes, if necessary, the large sums that are believed to have been successfully kept back from the Government in recent years. We do not, however, expect any appreciable change under Customs and Excise; and we do not expect Railway contributions on anything like the scale during the war. Even after the temporary problems referred to above have been solved, expenditure on Defence and Foreign Affairs would still be substantial. The Defence Services will probably be reorganised and re-equipped, and it is not possible to foresee what would be the scale of expenditure for properly equipped defence services even on a peacetime basis. There is little prospect on the other hand of reduction in the service of the national debt but there is, however, scope for reduction in the existing civil expenditure.

22. The problem before us is how to transfer from the Centre to the Provinces sufficient amount which, while not placing too great a strain on the Centre, would provide adequate resources for the inauguration of useful schemes of welfare and development by the Provinces. While the Centre, on its present basis, may not be in a position to part with substantial sums, we feel that, with the resolution of its temporary difficulties and improvement in its tax administration, together with the levy and collection of taxes evaded in the past, it can with no serious risk to its own budget part with sizable sums every year. We are suggesting later in detail how these sums should be regulated. We have already referred to the need for Provinces having clear priorities as between contending demands for money, and we have no doubt that the Provinces will in the earlier years utilise the additional resources now placed at their disposal by concentrating on schemes that would add to the productive capacity of the country and consequently the income of the people and thus enable the Provinces to embark on further schemes of reform and development.

Claims of Provinces

23. Every Province has drawn pointed attention to the urgency of its programmes of social service and economic development and to the limited nature of its own resources, both existing and potential, and all of them have asked for substantial transfer of revenues from the Central sources. A summary of the detailed suggestions made by them, which vary considerably, is set out in

Appendix III.

24. On the question of apportionment of income-tax among Provinces also, the Provinces differ widely in their views. Bombay and West Bengal support the basis of collection or residence, the United Provinces that of population, and Bihar a combined basis of population and origin (place of accrual); Orissa and Assam want weightage for backwardness. East Punjab, while suggesting no basis, wants her deficit of Rs.3 crores somehow to be met.

25. In the case of excise taxes, the bases suggested are production, collection, consumption and population, while Assam suggests some weightage for its low level of revenue and expenditure. Assam has further pressed for special treatment of excises collected on wasting assets, e.g., the petroleum raised in Assam. Assam also wants a share of the export duty on tea.

General Observations

26. Before we proceed further we would make a few general observations.

India has a federal form of Government, and every federation is based on a division of authority and involves a certain amount of compromise. In this country, federation has been the result of gradual devolution of authority. It has not come into existence through agreements among sovereign states as in some other federations.

27. What we have to do is to distribute the total available resources among Federal and Provincial Governments in adequate relation to the functions imposed on each, so, however, that the arrangements are not only equitable in themselves and in the interests of the country as a whole but are also administratively feasible. We have also to ensure that there is not too violent a departure from the status quo and also to see that while we have as much uniformity as possible, weak Units are helped at least to maintain certain minimum standards of services.

28. The basic functions of a Federal Government are Defence, Foreign Affairs and the service of the bulk of the national debt, and they are all expensive functions, particularly in the light of the limited resources of the country. The head "Communications" would ordinarily at least pay for itself. The Federal Government may also have to assume leadership in the coordination and development of research and higher technical education. Normally, however, apart from war or large-scale internal disorder, the expenditure of the Centre should be comparatively stable. The needs of the Provinces are in contrast almost unlimited, particularly in relation to welfare services and general development. If these services, on which the improvement of human well-being and increase of the country's productive capacity so much depend, are to be properly planned and executed, it is necessary to place at the disposal of Provincial Governments adequate resources of their own, without their having to depend on the variable munificence or affluence of the Centre. The Provinces must, therefore, have as many independent sources of revenue as possible. On the

other hand, it is not practicable to augment their revenues to any considerable extent by adding more subjects to the Provincial Legislative List, without simultaneously upsetting the equilibrium of the Centre. We cannot, therefore, avoid divided heads; and what we have to aim at is to have only a few divided heads, well-balanced and high-yielding, and to arrange that the shares of the Centre and the Provinces in these heads are adjusted automatically without friction or mutual interference.

29. In this country the lack of sufficient economic and financial statistics and other similar data is a great handicap. Therefore, the allocation of resources has to be made largely on the basis of a broad judgement, at any rate until the necessary data become available. We attach great importance to the collection of these statistics and to connected research and trust that the Government will make the necessary arrangements without delay. In the meantime we have made our recommendations on the best judgement we could give to the exiguous data available.

Lists of Taxes for the Centre and the Units

30. We recommend no major change in the list of taxes in the Federal Legislative List as recommended by the Union Powers Committee. We, however, recommend the substitution of the limit of Rs.250 for Rs.50 in clause 200 of the draft Constitution relating to taxes on professions, trades, callings and employments. We observe from the draft Constitution that it has been proposed to transfer to the Federal Legislative List stamp duty on transfer of shares and debentures, but we presume that the duties will continue to accrue to the Provinces. In view of the far-reaching effects on public credit and finance of stock exchange transactions, we consider that the Centre should have the power to legislate for the regulation of such transactions. If such regulation involves the levy of taxes, we recommend that such taxes should be retained by the Centre except that if the taxes take the form of mere duties on transfers of shares and debentures, the Provinces should have these duties just like other stamp duties. We accordingly recommend the entry in the Federal Legislative List of a new item: "Stock exchanges and futures markets and taxes other than stamp duties on transactions in them".

31. In the list of taxes in the Provincial Legislative List, we recommend the following changes:

(1) In entry.43, the words "hearths and windows" may be deleted. Such taxes are not likely to be levied. In any case, they would be covered by the word "buildings".

(2) In entry 53, the word "cesses" should, we think, be replaced by the word "taxes".

(3) Similarly, in entry 56, we would substitute the word "taxes" for the word "dues".

(4) In entry 50, we would make the following changes:

- (a) For the word "sale", we would substitute "sale, turnover or purchase", in order to avoid doubt.
- (b) We would also add words such as "including taxes in lieu thereof on the use or consumption, within the Province, of goods liable to taxes by the Province on sale, turnover or purchase". This addition is suggested in order to prevent avoidance by importing for personal use from outside the Province.

32. One of the Provincial Memoranda has suggested that the entry "state lotteries" should be transferred to the Provincial List, but, as we do not wish to encourage state lotteries, we should prefer the subject to remain Central where too, we hope, it will not be used.

Shares in Certain Taxes

33. We have no new items to suggest for insertion in the Provincial Legislative List.

34. The Federal Government will levy and collect all the taxes in the Federal Legislative List. But, according to our recommendations in the following paragraphs the Centre will retain the whole of the net proceeds of the following taxes only, viz.,

- (1) Duties of customs, including export duties.
- (2) Taxes on capital value of assets and taxes on the capital of companies.
- (3) Taxes on railway fares and freights.

35. At present, the Central Government shares the net proceeds of the jute export duties with the jute-growing Provinces and has to hand over to the Provinces the whole of the net proceeds of taxes on railway fares and freights, if levied. As regards the latter, we recommend that, if such taxes are to be levied at all, they should be wholly Central, for, we cannot see any difference in substance between such taxes and a straight addition to fares and freights. As regards the former we are of the opinion that as export duties are capable of very limited application and have to be levied with great caution, they are unsuitable for sharing with the Provinces.

36. It is necessary, however, to compensate the Provinces concerned for the loss of this item of revenue, and we recommend that, for a period of 10 years or till the export duties on jute and jute products are abolished, whichever may be earlier, fixed sums as set out below be paid to these Governments as compensation every year.

<i>Province</i>	<i>Amount</i>
West Bengal	Rs.100 lakhs
Assam	Rs.15 lakhs

Bihar
Orissa

Rs.17 lakhs
Rs.3 lakhs.

In arriving at these figures which we have based on the figures of pre-war years, we have taken all relevant circumstances into account, and in particular the concentration of manufacture in West Bengal. If at the end of ten years, which we think should be sufficient to enable the Provinces to develop their resources adequately, the Provinces still need assistance in order to make up for this loss of revenue, it would no doubt be open to them to seek grants-in-aid from the Centre, which would be considered on their merits in the usual course by the Finance Commission.

37. Of the remaining Federal taxes, we recommend that the net proceeds should be wholly or partly given away to the Provinces as indicated below.

38. *Taxes on income.* Under the present arrangement the Provinces receive 50 per cent of the net proceeds of income-tax, except what is attributable to Chief Commissioners' Provinces and taxes on federal emoluments. The net proceeds of the corporation tax are also excluded for the purpose of the sharing. Subject to what we have said in paragraph 49 regarding tax on agricultural income, we recommend that, while the net proceeds attributable to Chief Commissioners' Provinces should be retained wholly by the Centre, the other reservations should go, and that the Provinces should get not less than 60 per cent of the net proceeds of all income-tax including the net proceeds of corporation tax, and taxes on federal emoluments. For the purpose of the division, income-tax will mean any levy made under the authority of the entry "Taxes on Income" in the Federal Legislative List.

39. We also consider that over and above its share in the net proceeds retained by it normally, the Centre should be empowered to levy a surcharge whenever conditions require such a levy; obviously such occasions should be rare and not last for unduly long periods.

40. *Central excise duties.* Excise duties are ordinarily closely connected with customs duties and, barring liquor and drug excises which, we consider, should continue to remain provincial, are inherently not suited for provincial taxation. On the other hand, they are only a species of consumption taxes of which another species, namely, sales, turnover and purchase taxes have been the subject of provincial taxation for some time. The Memoranda received by us from the Provincial Governments are almost unanimous in demanding some share under excises; and our problem is to find not only more resources for the units but to make their revenues more balanced. If it was possible to have excises on commodities not subject to customs duties (whether revenue or protective) or not competing, or capable of competing with, or of substitution for, commodities subject to customs duties, e.g. on rice or wheat or millets or on jute and jute goods consumed in India, we see no reason why such excises or a share thereof should not be allotted to the Units, apart from the general political objection to the division of heads, viz., the divorce of benefit from responsibility. But such

excises are not likely to be levied. Again, it is obvious that excise duties on commodities subject to a protective tariff or even a high revenue tariff could not be conveniently shared. In the circumstances, the utmost that we can suggest by way of assistance in this respect to the Provincial Governments is to hand over to them a share of one of the important Central excises on a commodity not receiving tariff protection, viz., tobacco. Incidentally, the effective administration of this excise requires the active cooperation of Provincial Governments, which would be better forthcoming if they had a share in the tax. We are averse to giving the Units a share in too many Central excises; for, such an arrangement would not only magnify the political objection of benefit without responsibility but lead to administrative inconvenience, since the rates could not be altered except by the consent of all the beneficiaries.

We accordingly recommend that 50 per cent of the net proceeds of the excise duty on tobacco should not form part of the revenues of the Federation but should be distributed to the Provinces.

41. It will be seen from what has been said above that we are not in favour of the suggestion made in item VIII of the terms of reference, viz., that the Centre should be allocated only the excises on specified commodities, the rest of the field of excise being left to the Provinces.

42. *Estate and succession duties.* These duties cannot be administered satisfactorily except by or in the closest touch with the income-tax staff; and, in any case, if the Centre is to part with a substantial amount of taxes on income and also a part of certain Central excises, it is appropriate that it should get a share of the estate and succession duties. This will also give to the Federal Government a direct interest in the duty. Subject to what we have said in paragraph 49 about taxes on agricultural property, we recommend that not more than 40 per cent of the net proceeds of such duties should be retained by the Centre.

43. *Federal stamp duties.* We recommend the continuance of the status quo, i.e., the legislation in respect of the duties on the specified documents should be Central but Provinces will collect and retain the duties.

44. *Terminal taxes on goods or passengers carried by railway or air.* These taxes are not suitable except for purely local purposes, i.e., for the benefit of municipalities, pilgrim funds, etc., but they can be conveniently levied and collected only by the Centre. The existing provisions may stand.

Grants-in-Aid and Subventions

45. Item II of our terms of reference refers to Grants-in-aid.

Assam and Orissa now get fixed subventions of Rs.30 and Rs.40 lakhs per annum, respectively. The recommendations that we have made for the increase in the Provincial share of income-tax and the transfer of a share in the excise on tobacco will increase their revenues substantially like those of other Provinces. Even so, however, we have little doubt that these two Provinces will still require fixed subventions on higher scales than at present.

The position of East Punjab is peculiar. Everything there is unsettled, and it will take some time for things to settle down. It is clear, however, that this Province will require a substantial annual subvention for some time to come.

The position of West Bengal is uncertain, and it is not clear how her finances will shape as a result of the partition. The liability that she will have to take over as a result of the partition is not yet known. All told, however, she will perhaps need some temporary assistance.

46. For lack of time and data, we have not been able to assess the subventions required by these four Provinces. We, therefore, recommend that the Central Government should immediately take up the question so that the amounts required by each of these Provinces may be determined in time. The amounts should be subject to periodical review by the Finance Commission to which we refer later.

47. We have suggested elsewhere that till the Finance Commission has been able to recommend a better basis of distribution, a part of the divisible pool of income-tax should be used in order to mitigate hardship in individual cases. This provision also contains an element of grants-in-aid.

48. It is clear that during the developmental stages of the country it will be necessary for the Centre to make specific purpose grants to the Provinces from time to time. The provisions of clause 203 of the draft Constitution seem to be adequate for the purpose. We have considered the question whether, as in Australia, grants should be made in order to equalise, or, at any rate to reduce the disparity between the levels of services and of severity of taxation in the different Provinces. There is undoubtedly something attractive in seeking to bring up the backward Units at least to 'average' standards, both in effort (severity of taxation) and in performance (standards of services). In Australia, the maximum difference between the levels is said to be of the order of 20 per cent and the number of Unit States is small. In India, on the other hand, as for example in the U.S.A., the difference in the levels is very wide and the number of Units larger when acceding States come into the picture. In such a background 'averages' would be mere mathematical concepts totally unrelated to actual facts. On the other hand, even in a Federation of autonomous Units, there is a great deal to be said for helping the less prosperous Units to come up to the level of the more prosperous ones. As in all such matters, we must take a realistic decision with reference to the conditions in our country. While we do not recommend the adoption in this country of the Australian system, we have no doubt that the Centre, when distributing specific purpose grants under clause 203 of the draft Constitution, will bear in mind the varying circumstances in the different Provinces.

48A. Section 199 of the draft Constitution provides for special assistance to Assam in respect of expenditure for promoting the welfare of scheduled tribes in the Province. We agree with this provision. It has been represented to us on behalf of Orissa that a similar provision should be made for assisting her to develop the backward areas of the Province. In the absence of any data we have

been unable to assess the measure of assistance, if any, required by this Province, and we content ourselves with expressing the view that if the Central Government, after a due examination of the question in all its aspects, decide that special assistance is necessary, it should be provided on adequate scale.

Taxes on Agricultural Income and Property

49. It is obvious that the taxation of agricultural income by the Provinces, while all other income is taxed by the Centre, stands in the way of a theoretically sound system of income-tax in the country. We should, therefore, have liked to take this opportunity to do away with this segregation. In view of the ease with which the origin of agricultural income can be traced, it could be arranged that the tax from such income, even though levied and collected by the Centre as part of an integrated system of income-taxes, should be handed back to the Provinces; and it could be further arranged that till such time as the Centre in fact levied a tax on agricultural income, the Provinces already levying this tax might continue to levy it without restriction and with full power to vary the rates of tax. The interests of Provinces could thus be fully protected, and there could, therefore, be no financial objections from them. On the other hand, the present arrangement has the political merit of keeping together in one place both benefit and responsibility, a rather important point, seeing that the Provinces will have full control over but few important heads of revenue. A few Provinces have, in fact, levied the tax and are administering it for some time. Perhaps also, the Provinces can administer this particular tax with greater facility than the Centre. For the present, therefore, we have decided to continue the status quo, but, in view of the importance of the matter, would recommend that the Provinces should be consulted at once and if a majority, including of course those now levying the tax, agree, tax on agricultural income may be omitted from the Provincial List of subjects, consequential changes being made elsewhere in the Constitution. Our foregoing remarks apply mutatis mutandis on succession and estate duties on agricultural property also.

Division of Proceeds of Revenue between Provinces

50. *Income-tax.* As regards the basis of distributing between Provinces the share of proceeds from taxes on income, we are of the opinion that no single basis would lead to equitable results. Origin or locus of income is no doubt relevant, but in the complex industrial and commercial structure of modern times, where a single point of control often regulates a vast network of transactions, where the raw materials come from one place, are processed in another, manufactured in a third, marketed wholesale in a fourth and ultimately sold in retail over a large area, contracts are made at places different from where they are performed, money is paid in at one place and goods delivered at another and more than one of these stages relate to the same tax-payer, the assignment of a share of profits to

each stage can only be empirical or arbitrary.

51. Again, the residence of the tax-payer is an important factor, but apart from the artificial legal definition of residence for income-tax purposes, the predominance of joint stock enterprise in business, the dispersion of the shareholders of companies all over the country and even outside, the possibility (emerging from the artificial definition) of simultaneous residence in more than one area, the non-assessment (due to various reasons) of a large number of shareholders, and the absence of authoritative, i.e., tested, information in the income-tax records as to the Province of residence of a resident of India (for, today, it is immaterial to the Income-tax Department in which particular Province an assessee is resident), all these together make this criterion of residence a difficult factor to apply in practice in distributing the proceeds of the tax. Even if the statistical difficulties were got over, residence could be changed at the will of the tax-payer.

52. Another possible criterion is the place of collection. This place is usually the principal place of business of the tax-payer, or his residence, if he is not carrying on a business or profession. The objection to this factor is that it is unfair to the areas of origin and sale which it completely ignores, while it gives far too much weight to the place of control of a business, which is usually, though not necessarily, the place of collection. Moreover, even more than in the case of residence, the place of collection can be easily altered at the will of the tax-payer.

53. Another possible basis is that of needs, i.e., the shares would be regulated somewhat like grants-in-aid, and, rather than go into elaborate enquiries for this purpose, the population of a Province could be taken as a rough measure of its needs. The objection to this basis is that a 'share' is something to which a Province is entitled because its citizens or things have in some measure contributed to the fund, while a grant is something given to it without regard to its contribution to the Centre or to any common pool.

54. We have said enough to show the difficulties of the problem, but the difficulties have somehow to be faced and met, unless we keep the whole of the taxes on income as Central and permit Provinces simultaneously to levy a Provincial income-tax on the basis of origin. In our opinion the latter course is not feasible in the circumstances of this country even if justifiable in theory; and pending enquiry by the Finance Commission the setting up of which we suggest later, we have no choice except somehow to make the distribution on as equitable a basis as can be devised in the circumstances.

55. We propose to proceed on the basis of collection as well as population and also to make some provision for adjustment on the basis of need. We recommend that the Provincial share, i.e., 60 per cent of the net proceeds be distributed among the Provinces, as follows:

20 per cent on the basis of population.

35 per cent on the basis of collection.

5 per cent in the manner indicated in paragraph 56.

For the distribution of the first two blocks, population figures of the previous census and collection figures as certified by the Auditor-General should be accepted as authoritative.

56. The third block of 5 per cent should be utilised by the apportioning authority as a balancing factor in order to mitigate any hardship that may arise in the case of particular Provinces as a result of the application of the other two criteria; in distributing this block it would be open to the authority to take into account all relevant factors.

57. *Excise duty on tobacco.* In our view, the most equitable method of distributing this duty is on the basis of estimated consumption. We have no doubt that the Government will take steps to obtain necessary statistical information if it is not already available.

58. *Estate and succession taxes.* These taxes have not so far been levied. One of the hurdles to be crossed before they can be levied is the determination of the manner of distribution of the net proceeds among Provinces. Until the taxes are actually levied and collected for some time, no data about their incidence will be available. Hence, the levy will have to start with some a priori basis of apportionment among Provinces. We accordingly recommend that until the Finance Commission is in a position to evolve a better method on the basis of data available to it, the net proceeds should be distributed among the Provinces as follows:

The net proceeds attributable to real property: On the basis of the location of the property.

Of the balance:

75 per cent on the basis of the residence of the deceased;

25 per cent on the basis of the population of the Province.

The administration and distribution of these taxes would, in the ordinary course, fall on the Central Board of Revenue, but it would be necessary to empower an appropriate authority to adjudicate in the case of disputes between Provinces as to the residence of individuals.

Effect of the Proposals

59. The net effect of all our recommendations together is that, on the present basis of revenue, the Centre will have to transfer to the Provinces a sum of the order of Rs.30 crores annually. It will recover a part of this loss by the imposition of the estate and succession duties, of the net proceeds of which it will retain 40 per cent. We believe that it will not be beyond the capacity of the Centre to part with this amount annually during the next five years, though it must cause some strain, while at the same time the transfer will enable the Provinces to start their programme of essential social services and economic development.

60. In our recommendations regarding the distribution of proceeds of taxes

among the Provinces, we have not only proceeded on more than one basis, but have provided for an element of flexibility in order to mitigate hardship. We have also provided for a periodical review so that the method of apportionment can be adapted to changing conditions from time to time on the basis of experience. We have further provided for grants-in-aid both to the weaker Provinces and to Provinces in difficulty.

61. We have also tried to make the whole arrangement as automatic and free from interference as possible. The basic features of the scheme will be embodied in the Constitution itself, while periodic changes will be made by the President on the recommendation of the Finance Commission which, we hope, will command the confidence of all. As frequent changes are undesirable, we have recommended a five-yearly review, though in special circumstances the Finance Commission may embark on a review at a shorter interval. The Provinces will now be sure of their position and can go ahead with their plans.

62. It is needless for us to add that to the extent that the Centre transfers its resources to the Provinces in the shape of new or increased shares in revenue, its ability to give grants to the Provinces for specific or other purposes must be correspondingly reduced.

63. We may not have been able in our proposals to satisfy everybody or to provide for every contingency that may possibly arise in the future, but we have tried to do the best possible under the circumstances.

Finance Commission

64. For reasons already stated, our recommendation as to the initial basis of apportionment among Provinces is not intended to be permanent. Conditions may change. The working of the scheme for some time will in itself produce some data that would indicate the nature and direction of the changes required. It is necessary, therefore, to have a periodical review of the whole position by a neutral expert authority.

65. We recommend for this purpose, among others, the appointment of a high level Tribunal of five members including a Chairman who has been, or is, holding high judicial office, not lower than that of a Judge of a High Court. This Tribunal may be called the 'Finance Commission'. There may not ordinarily be enough work for the Commission to keep it busy continuously, and the members need not, therefore, devote their whole time to the work. The members should be appointed by the President in his discretion if only because a Commission of this kind would have frequent occasion to deal with points of conflict between the Centre and the Units. While we would not lay down any conditions in the Statute as to how these members should be selected, we recommend that two should be selected from a panel of nominees of Unit Governments and two others from a panel of nominees of the Central Government, the Chairman being selected by the President himself. One at least of the five should possess close knowledge of the finances and accounts of Governments, while another at least should have a

wide and authoritative knowledge of economics. It would be an advantage if one or more were public men with wide experience. It would be a further advantage if a member possessed more than one qualification, and steps should be taken to secure the services of such individuals. The appointments might be made for 5 years and be renewable for another five years.

66. Between now and the setting up of the Finance Commission, we recommend that the Central Government should take steps, in consultation with the Provinces, to collect, compile and maintain statistical information on certain basic matters such as the value, volume, and distribution of production, the distribution of income, the incidence of taxes, both Central and Provincial, the consumption of important commodities, particularly those that are taxed or likely to be taxed, etc. The Finance Commission, when set up, would then have some basic information to go upon, and would no doubt call for such further information as it may need. It would also, to the extent necessary, arrange for continuous examination and research in respect of all important matters.

67. The Finance Commission should be entrusted with the following functions:

- (a) To allocate between the Provinces the respective shares of the proceeds of taxes that have to be divided between them;
- (b) To consider applications for grants-in-aid from Provinces and report thereon;
- (c) To consider and report on any other matter referred to it by the President.

68. While these categories would exhaust the duties of the Commission, it should be open to the Commission to make any recommendations it may think expedient in the course of the discharge of these duties. It may, for example, suggest a variation in the heads of revenue assigned to the Provinces, i.e., the transfer of new heads or the withdrawal of existing heads, or increases in the shares of existing heads or a reduction in these shares. In making all such recommendations, the Commission will take into account all relevant matters, including the state of finances of the Centre. Its recommendations, in so far as they do not involve any change in the Constitution, would, when accepted by the President, be given effect to by him by order, while recommendations involving a change in the Constitution, if similarly accepted by him, would be dealt with like any other proposed amendment to the Constitution.

69. The Commission's first function would be of the nature of an arbitration, and, therefore, the Commission's decisions will be final. As regards the second function, we have no doubt that the recommendation of the Commission in respect of grants-in-aid would be given the utmost weight by the President and not ordinarily departed from by him.

70. The basis for the allocation of revenues referred to in item (a) should ordinarily be settled by the Commission at intervals of five years, but it should be open to the Commission to shorten the interval if it feels satisfied in special

circumstances that such shortening is called for.

71. We would further recommend, in order to save time, that the Finance Commission may be set up in advance of the coming into effect of the Constitution, and its status regularised after the Constitution comes into effect.

Residuary Powers of Taxation

72. It appears that under the new Constitution, residuary powers will be vested in the Centre, so far as the Provinces are concerned, while the corresponding residuary powers in respect of the States will be vested in the States themselves. The question has therefore been raised whether, as a consequence, as many specific taxes as possible should not be entered in the Provincial List of subjects. We cannot think of any important new tax that can be levied by the Provinces which will not fall under one or the other of the existing categories included in the Provincial List. We think that the chance of any practical difficulty arising out of the proposed constitutional position is remote, and, in any case, it seems to us that if a tax is levied by the Centre under its residuary powers, there will be nothing to prevent the proceeds of the whole or a part of this tax being distributed for the benefit of the Provinces only. As a matter of abundant caution, however, it may be laid down in the Constitution that if any tax is levied by the Centre in future under its residuary powers, and to the extent that the States do not agree to accede to the Centre in respect of the corresponding subject, the whole or a part of the proceeds of the tax shall be distributed between the Provinces and the acceding States only.

This disposes of item IX of our terms of reference.

Exemption of Provincial Governments from Taxation

73. Section 155 of the Government of India Act provides that profits from trading by a Provincial Government would be taxable only if the trade was carried on outside the Province. The exemption from Central taxation of trade by Provincial Governments carried on within the provincial limits did not matter much in the past, for the Governments had few trading operations. With the present tendency towards nationalisation (e.g., many Provinces have already taken up quite seriously the nationalisation of road transport), the Centre should have some power to levy either income-tax or a contribution in lieu of income-tax in respect of these trading activities. Disputes as to such contributions should, we consider, be examined and adjudicated upon by the Finance Commission to which we have already referred. We feel that if nationalisation of industries or trades takes place rapidly, the whole question would have to be reviewed *de novo* for the entire structure of the tax system of the country would be completely changed.

74. In the meantime we make the following recommendations:

- (a) The existing practice should continue in respect of trading operations of the Central Government, i.e., no income-tax should be levied on the profits. It should be open to the Centre, however, to levy a contribution, as in the case of Railways, for its sole benefit from such operations. If the trading is carried on by a separate juristic person, tax will be levied even if the Government is the dominant shareholder.
- (b) Tax should be levied on the trading operations of Units (as also of local bodies), whether carried on within or without their jurisdiction; and the tax or the contribution in lieu thereof should be treated as ordinary income-tax revenue for the purpose of the divisible pool. We presume that if there are no profits, there will be no contribution; but if this presumption is wrong, we suggest that the contribution should be treated as part of the divisible pool of income-tax.
- (c) We recommend that quasi-trading operations incidental to the ordinary functions of Government such as the sale of timber by the forest department or of jail products by the jail department should not be treated as trading operations for this purpose.

Emergency Provisions

75. The needs of the Centre in times of emergency, such as war or large-scale internal disorder, cannot be provided for through the detailed allocation of heads of revenue or of shares therein. It is obviously not possible to legislate how emergencies should be met. We would suggest that there should be a special provision in the Constitution authorising the President in an emergency to suspend or vary the financial provisions in such manner as he may think best in the circumstances. For example, if there is a war and an excess profits tax is levied, it might be necessary for the Centre to retain the whole of this tax for itself.

Procedure in Financial Matters

76. Item X of our terms of reference is as follows:

Is it necessary to make any modifications in the existing provisions as regards procedure in financial matters contained in sections 33 to 37 and 78 to 83 of the Government of India Act, 1935?

77. The present financial procedure in the federal sphere is laid down in sections 33-37 of the Government of India Act, 1935. The corresponding clauses in the draft Constitution as prepared by the Secretariat of the Constituent Assembly are 74, 75 and 77-81. We have two recommendations to make:

- (1) When a money Bill is sent from the Lower House to the Upper, a certificate of the Speaker of the Lower House saying that it is a money Bill should be attached to, or endorsed on, the Bill and a provision to that effect

should be made in the Constitution on the lines of the corresponding provision in the Parliament Act, 1911. This will prevent controversies about the matter outside the Lower House.

- (2) After clause 80, a provision may be made making it necessary for Government to approach the Legislature for regularising any excess expenditure that might be discovered in audit after the close of the year. This is, in fact, done even now, but there is no statutory obligation to do so.

Subject to these two recommendations, we approve of the provisions in the draft Constitution.

78. Financial procedure in the Provincial field is governed by sections 78–82 of the Government of India Act, 1935. The corresponding provisions in the draft Constitution occur in clauses 149–153. We recommend:

- (1) that in a Province with a bicameral Legislature, if any, the powers of the Upper House over money Bills should be exactly the same as at the Federal level;
- (2) that the new provision, in respect of a vote on excess grants, recommended by us at the Federal level should be repeated at the Provincial level also.

79. It is usual in written democratic constitutions to provide that no money can be drawn from the treasury except on the authority of the Legislature granted by an act of appropriation. In this country, the practice has been to authorise expenditure by resolutions of Government after the demands have been voted, and not by law. As the existing practice has been working well in this country, appropriation by law does not appear to be necessary.

Auditor-General

80. Though the question has not been specifically referred to us, we consider that the status and powers of the Auditor-General are so closely connected with financial procedure that we have gone into this matter also. The provisions in respect of the Auditor-General of the Federation are contained in clauses 106–109 of the draft Constitution, and those in regard to the Auditors-General of the Provinces, in clauses 174–175. In substance, all these clauses repeat the existing provisions in the Government of India Act. We consider the provisions to be adequate for the purpose of securing the independence of the Auditor-General. We notice that the Auditor-General of India is to perform the functions of the Auditor-General in respect of the Provincial Governments also for an initial period of three years, and thereafter, until a particular Provincial Government chooses to appoint its own Auditor-General. We favour the continuance of a single Auditor-General for the Government of India as well as for the Provincial Governments, and it is possible that the Provincial Governments will also prefer that course, and will choose not to use their power of appointing separate

Auditors-General of their own. The draft Constitution, however, gives them the option to appoint Auditors-General if they think fit so to do. We are not sure whether it is possible altogether to do away with this option, much as we should like to do so; but if the option remains, we recommend that the provisions of sub-clause 3 of clause 174 should be amended so as to make the Auditor-General of a Province eligible for appointment as Auditor-General of another Province also.

Borrowing Powers

81. This question is covered by item I of our terms of reference.

The present position is that the Provinces have the freedom to borrow in the open market in India except when they are indebted to the Centre. The most outstanding advantage of the freedom of borrowing is the sense of financial responsibility it creates; for, there is no more accurate, sensitive and dependable meter of the credit of a borrowing Government than the reaction of the securities market. We do not therefore wish to withdraw this freedom. Nevertheless, it is necessary to have some machinery which would ensure that borrowing Governments do not, by their competition, upset the capital market. This machinery is now provided through the Reserve Bank which advises all the Governments, but in view of the ambitious programmes of development both by the Centre and the Units, it may become necessary to set up some kind of expert machinery, both competent and definitely empowered to fix the order of priority of the borrowings of the different Governments. In some countries, this coordination is effected either by a Ministerial Conference or by a Loans Council. Such machinery should not affect the responsibility of a Government for its borrowing policy, and should help only in the limiting of the loan and avoidance of unnecessary competition. The coordination by the Reserve Bank has worked well in practice, and so long as it works well we do not recommend any change. We assume that there will be no distinction between federating States and the Provinces in this respect.

82. We are of the opinion that it should not be open to a Provincial Government or to a Government of a State to go in for a foreign loan except with the consent of the Federal Government and except under such conditions, if any, as the Federal Government may think fit to impose at the time of granting the consent. We notice, however, that there is an entry, viz., "18. Foreign Loans" in the Federal Legislative List in the draft Constitution. We are not sure whether the insertion of this entry in the Federal Legislative List is enough to prevent the Government of a Unit from going in for a foreign loan. We, therefore, recommend that the point be examined, and if the provision is not found to be adequate, a specific provision should be made in clause 210 of the draft Constitution making it necessary for the Government of a Unit to obtain the consent of the Federal Government before going in for a foreign loan.

Problem of Indian States

83. The points at issue are contained in items III, IV, V, VI and XI of our terms

of reference.

This part of our work is the most difficult part thereof and the difficulty arises as much from the lack of statistical data as from the complications of the problem itself; for, not only do conditions differ widely between the Provinces as a whole and the States as a whole, but from State to State, so that it is difficult to apply a common yardstick.

84. The Union Powers Committee of the Constituent Assembly in para 2 (d) of its report, dated 17th April 1947, has expressed its view on this subject in the following terms: "We realise that, in the matter of industrial development, the States are in varying degrees of advancement and conditions in British India and the States are in many respects dissimilar. Some of the above taxes are now regulated by agreements between the Government of India and the States. We, therefore, think that it may not be possible to impose a uniform standard of taxation throughout the Union all at once. We recommend that uniformity of taxation throughout the Units may, for an agreed period of years after the establishment of the Union not exceeding 15, be kept in abeyance and the incidences, levy, realisation and apportionment of the above taxes in the State Units shall be subjected to agreements between them and the Union Government. Provision should accordingly be made in the Constitution for implementing the above recommendation." We entirely agree with these observations.

85. We assume that the ultimate object of the Federation must be to secure for the federating States the same, or nearly the same, standards of economic development, fiscal arrangements and administrative efficiency as in the Provinces. It is only against this background that the States can have the same identity of interest with the Union as the Provinces have.

86. The first difficulty met with in our investigation is that many of the smaller States have neither a budget nor effective audit, so that adequate and reliable information about their financial position, on a basis permitting comparison with Provinces, is not available. We recommend accordingly that it should be made obligatory within as short a period as possible for each State to arrange for the preparation and authorisation of a periodical budget and the maintenance of proper accounts and audit and to send copies of its budget, accounts and audit reports to the Union Government.

87. In the absence of sufficient data, we are not in a position to make recommendations other than of a general nature. We are clear in our mind that the States should gradually develop all the taxes in the Provincial Legislative List so that they may correspondingly give up reliance on taxes in the Federal Legislative List. This process however would necessarily take some time; and in the meanwhile it will be necessary to have transitional arrangements.

88. We will now take up land customs. We do not recommend the immediate abolition of land customs, for we find that such a course would lead to a serious dislocation in the finances of many States. Moreover, where there is no large re-export trade, these land customs, though a possible source of annoyance, are

really of the nature of octroi duty levied at a few points of entry. On a long view, however, in the interests of the States themselves, these duties might be replaced by other taxes, such as sales and turnover taxes. We recommend accordingly that land customs now levied by the States should be abolished during the next 10 years. As a first step it may be arranged that

- (1) a State shall not in future levy land customs on a commodity on which there is no such duty now;
- (2) a State shall not, after a fixed date, increase the rate on any commodity; and
- (3) a State levying land customs should grant refunds on re-exports.

Gradual abolition over a period of 10 years should not cause any serious dislocation to the finances of these States, nor can there be any question of paying any compensation to these States, for the simple reason that the Union Government will not gain any corresponding revenue.

89. Maritime customs should be uniform all through the Union, and the Federal Government should take over the administration of such customs in all the maritime States. If this arrangement results in the loss to any State of the revenue now enjoyed by it, it is only fair that the State should be compensated for the loss. Pending determination of the appropriate compensation in each case by a States Commission, the appointment of which we recommend in a later paragraph, each State may be given an annual grant equal to the average revenue from this source during the last three years. The right of Kashmir to a rebate on sea customs may be similarly abolished on payment of a similar grant.

90. The Federal Government may levy Central excises in all the States, but those States which now enjoy the benefit of a part or the whole of these revenues raised in their areas should, in lieu of such benefit, receive grants on the basis of the average revenue enjoyed by them from these sources during the last three years. In our opinion, neither this arrangement nor the one referred to in the foregoing paragraph should present any difficulty from the purely financial point of view either to the Union or to the States.

91. The Indian Income-Tax Act, with such modifications as may be considered necessary by the President, may be applied to all the Federating States. The net proceeds of the tax attributed to the States may be credited to a States Income-Tax Pool and such portion not being less than 75 per cent of the net proceeds attributable to each State, as determined by the President, may be paid back to the States.

We are aware that many problems will arise in the course of allocating these proceeds between the different States, but they are not insoluble, and can be solved on lines similar to those followed in allocating similar revenues between the Provinces.

92. The need for a uniform system of income-tax both in the Provinces and in the States has become urgent not only because of the facilities afforded for evasion and avoidance of the Central income-tax by the existence of States with

lower rates of taxation or no tax at all, but also because it is alleged that industries are being diverted artificially by the incentive of lower taxation to areas not inherently suited for the industries.

93. Though we do not favour any abrupt change in the status quo, we do not attach much weight to the argument that the States are, as a whole, industrially backward and that they cannot, therefore, stand the same high rates of taxation, particularly income-tax, as the Provinces can. If the productive capacity of a State, and consequently its level of income, is low, it follows that the State will not have to contribute much by way of tax if it falls in line with the Provinces. If, on the other hand, the point is that industries should be artificially stimulated in the States somehow by the incentive of lower taxes, it is obvious that if the State is not suited for industrial development, the cost of bolstering up its industries must ultimately fall upon the Provinces and other States.

94. As already stated, we are not in a position to make detailed recommendations regarding the States. We recommend for this purpose the establishment of a States Commission with five members who should possess wide knowledge of the financial administration of Provincial, Federal or State Governments. Preferably, one of these members might be a member of the Finance Commission (for Provinces) referred to earlier in this report. The Commission should advise the President, as also the States, about their financial systems and suggest methods by means of which the States could develop their resources and fall into line with the Provinces as quickly as possible. One of the first tasks of the Commission will be to examine in detail the privileges and immunities enjoyed by each State, and also the connected liabilities, if any, and recommend a suitable basis of compensation for the extinction of such rights and liabilities. We consider in particular that the States Commission should deal with the problems before it with understanding and sympathy and suggest solutions which would not only be fair both to the States and to the Provinces, but enable the States to come up to the Provincial standards in as short a time as possible.

95. The States which come into the above arrangements would pay their contribution for Defence and other Central services through the share of the net proceeds of Central taxes retained by the Centre, and nothing more should be expected from those States. On the other hand, the States which accede but do not come into the above arrangements, should pay a contribution to the Centre, the amount of which should be determined by the States Commission having regard to all the relevant factors.

96. The constitutional arrangements in this respect, particularly during the interregnum of 15 years, should, in our opinion, be kept very flexible. The President should be enabled by order to adopt any financial arrangement he may find expedient with each State until such arrangement is altered by an Act of the Federal Legislature after necessary consultation with the States.

97. While the outlines which we have indicated above are capable of being applied to most of the major or even middle sized States, it is, in our opinion, necessary to group together a number of smaller States in sizable administrative

Units before they can be brought into any reasonable financial pattern.

98. We are sorry that we have not been able to contribute anything more precise than we have done to this part of the terms of reference to us.

99. We enclose two Appendices (IV and V) one of which sets out in detail, as far as we have been able to collect, the rights and immunities enjoyed by various States, and the other setting out the total budgets of certain States and the part played by land customs in those budgets.

Summary of Recommendations

100. (1) No major change to be made in the list of taxes in Federal Legislative List as recommended by the Union Powers Committee. (Para 30.)

(2) The limit of Rs.50 to be raised to Rs.250 for taxes on professions etc. levied by local bodies. (Para 30.)

(3) An entry to be made in the Federal Legislative List of a new item "Stock Exchanges and Futures Markets" etc. (Para 30.)

(4) A few minor changes of a drafting nature to be made in the list of taxes in the Provincial Legislative List; and no new items for insertion in the Provincial Legislative List. (Paras 31-33.)

(5) The Centre to retain the whole of the net proceeds of the following taxes, viz., (a) duties of customs including export duties; and (b) tax on capital value of assets, etc.; (c) taxes on railway fares and freights; and (d) Central excises other than on tobacco. (Para 34.)

(6) The grant of fixed assignments for a period of years to the jute-growing Provinces to make up for their loss of revenue. (Paras 35-36.)

(7) The net proceeds of the following taxes to be shared with the Provincial Governments, viz., (1) income-tax, including corporation tax, (2) Central excise on tobacco; (3) estate and succession duties. (Paras 38-42.)

(8) The suggestion that the Centre should be allotted only the excises on specified commodities not accepted. (Para 41.)

(9) Federal stamp duties and terminal taxes on goods etc. to be administered Centrally, but wholly for the benefit of the Provinces. (Paras 43 and 44.)

(10) Larger fixed subventions than now necessary for Assam and Orissa, and subventions for limited periods for East Punjab and West Bengal, but no precise figures recommended for lack of data. (Paras 45 and 46.)

(11) Grants-in-aid on the Australian model not favoured. (Para 48.)

(12) Merging the tax on agricultural income in the Central income-tax and similarly the estate and succession duties on agricultural property in the similar duties on property in general to be examined in consultation with Provincial Governments and transfers made from the Provincial List of subjects, if necessary. (Para 49.)

(13) Not less than 60 per cent of the net proceeds of income-tax, including corporation tax and the tax on Federal emoluments, to be divided between Provinces in the following manner: 20 per cent on the basis of population, 35 per

cent on the basis of collection and 5 per cent as an adjusting factor to mitigate hardship. (Paras 55 and 56.)

(14) Not less than 50 per cent of the net proceeds of the excise on tobacco to be divided between Provinces on the basis of estimated consumption. (Para 57.)

(15) Not less than 60 per cent of the net proceeds from succession and estate duties to be divided between the Provinces on the following basis: duties in respect of real property on the basis of allocation of the property, and of the balance three-fourths on the basis of the residence of the deceased, and one-fourth on the basis of population. (Para 58.)

(16) Net effect of the recommendations: to transfer annually a sum of the order of Rs.30 crores from the Centre to the Provinces. (Para 59.)

(17) A Finance Commission with a High Court Judge or ex-High Court Judge as Chairman and four other members to be entrusted with the following functions: (a) allocation between the Provinces of their shares of Centrally administered taxes assigned to them; (b) to consider applications for grants-in-aid for Provinces and report thereon; (c) to consider and report on other matters referred to it by the President. (Paras 65-67.)

(18) The Commission to review the position every five years, or, in special circumstances, earlier. (Para 70.)

(19) A tax levied by the Centre, under its residuary powers, not to enure to the benefit of a non-acceding State unless it agrees to accede to the Centre in respect of that subject. (Para 72.)

(20) Trading operations of Units, as also of local bodies, whether carried on within or without their jurisdiction, to be liable to Central income-tax or a contribution in lieu, but quasi-trading operations incidental to the normal functions of Government not to be taxed. (Para 74.)

(21) The President to be empowered in an emergency to suspend or vary the normal financial provisions in the Constitution. (Para 75.)

(22) A few minor changes suggested in regard to the procedure in financial matters. (Para 77.)

(23) No change to be made in respect of borrowing powers of Units. (Paras 81-82.)

(24) Early arrangement to be made for the preparation of regular budgets and the maintenance of appropriate accounts and audit by all acceding States. (Para 86.)

(25) States gradually to develop all the taxes in the Provincial Legislative List and correspondingly give up taxes in the Federal List. (Para 87.)

(26) Maritime customs and excises in States to be taken over by the Centre, the States being compensated therefor if necessary. (Paras 89 and 90.)

(27) The Indian Income-tax Act to be applied to all the federating States, and 75 per cent of the net proceeds attributable to the States to be divided between them. (Para 91.)

(28) A States Commission to be set up with five members with wide knowledge of the financial administration of Provincial, Federal or State

Governments. (Para 94.)

(29) The States Commission to examine the privileges and immunities etc. of States and to suggest suitable compensation for the extinction of these rights and liabilities. (Para 94.)

(30) States which do not come into the arrangements to pay a contribution to the Centre to be determined by the States Commission. (Para 95.)

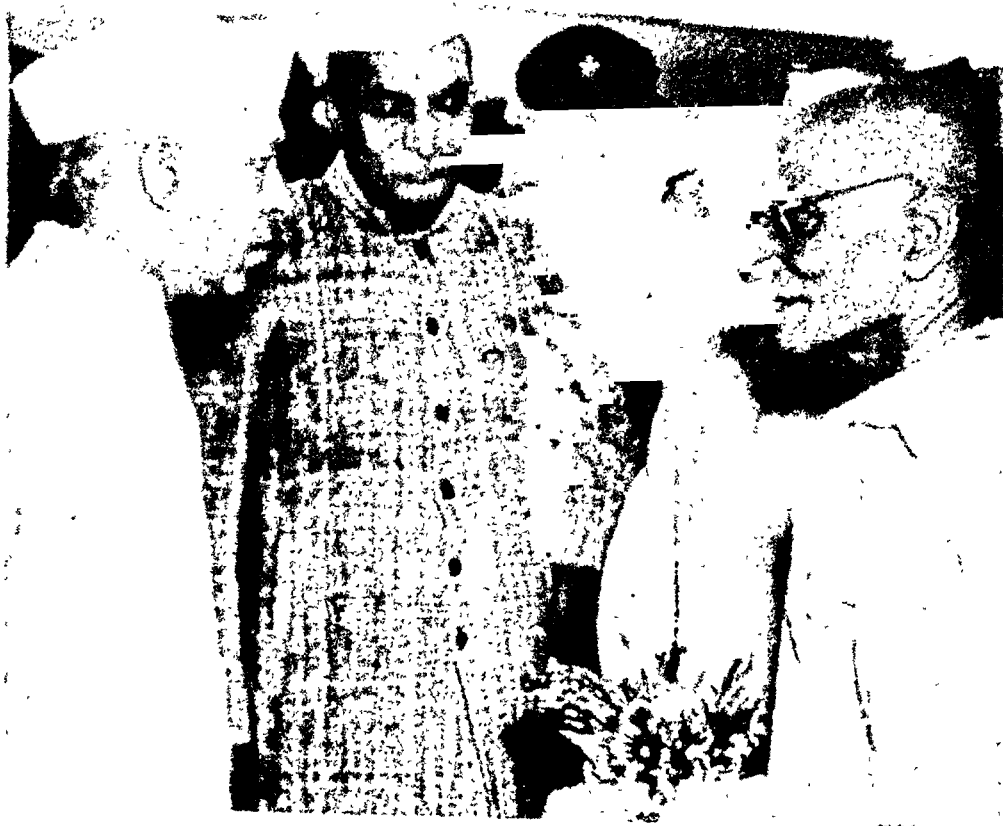
(31) The interim Constitutional arrangements with the States to be flexible and small States to be grouped together. (Paras 96 and 97.)

Conclusion

101. Some of our recommendations would need to be embodied in the Constitution while others would be given effect to by the order of the President. We have attempted a draft of the necessary provisions in the Constitution to give effect to the former; and these are set out in Appendix VI.

102. Mr. Rangachari has signed this report in his personal capacity, and the views expressed in it should not be treated as committing in any manner the Ministry of Finance of which he is an officer.

Nalini Ranjan Sarkar
V.S. Sundaram
M.V. Rangachari



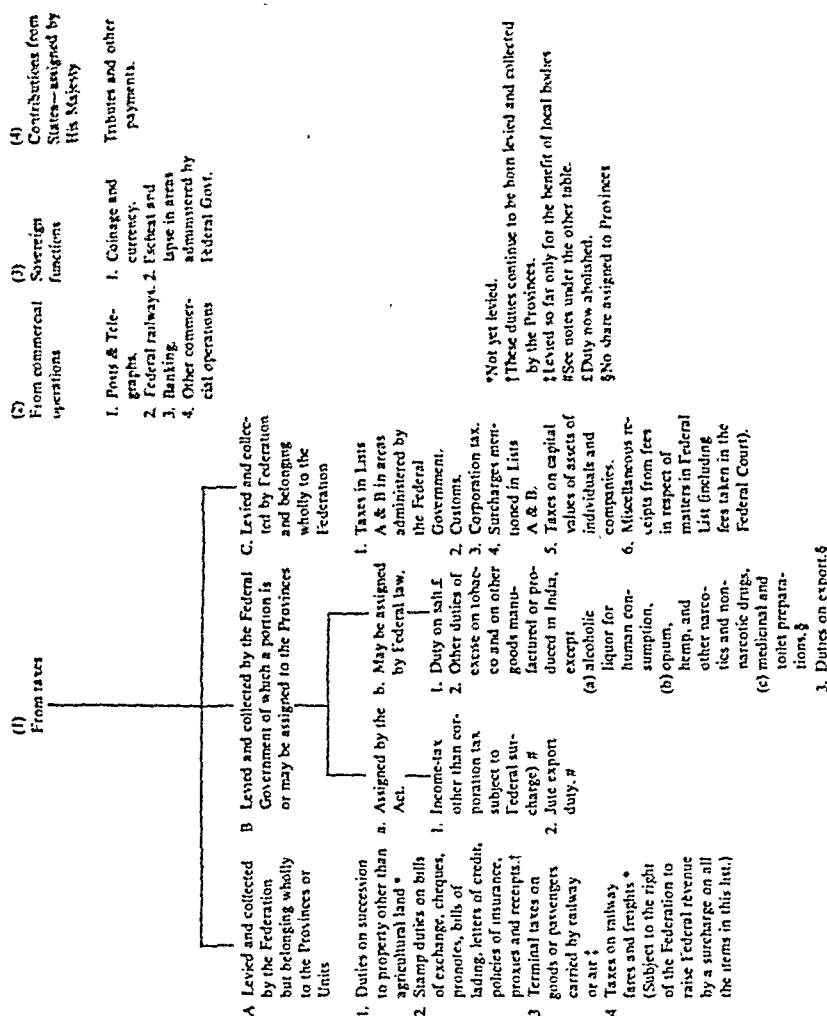
Dr. B.R. Ambedkar with Jawaharlal Nehru and C. Rajagopalachari



Lord Mountbatten addressing the Constituent Assembly presided over by Dr. Rajendra Prasad—15th August 1947 (just after declaration of Independence)

Appendix I:

CONSTITUTIONAL POSITION OF THE CENTRE AND THE PROVINCES IN RESPECT OF REVENUE UNDER THE GOVERNMENT OF INDIA ACT, 1935

(a) *Revenues of the Federation*

(b) Central Government (1937-38 to 1946-47)

(In lakhs of Rupees)

Year	Revenue	Expenditure			Deficit (-) Surplus (+)
		Civil	Defence	Total	
1937-38	86,61	39,39	47,22	86,61	..
1938-39	84,52	38,97	46,18	85,15	-63
1939-40	94,57	45,03	49,54	94,57	..
1940-41	1,07,65	40,57	73,61	1,14,18	-6,53
1941-42	1,34,57	43,33	1,03,93	1,47,26	-12,69
1942-43	1,77,12	74,28	2,14,62	2,88,90	-1,11,78
1943-44	2,49,95	81,44	3,58,40	4,39,84	-1,89,89
1944-45	3,35,71	1,00,77	3,95,49	4,96,26	-1,60,55
1945-46	3,61,18	1,24,38	3,60,23	4,84,61	-1,23,43
1946-47 (Revised estimate)	3,36,19	1,43,36	2,38,11	3,81,47	-45,28
TOTAL	19,68,07	7,31,52	18,87,33	26,18,85	- 6,50,78

The amounts included in the above on account of revenue assigned to the Provinces and grants-in-aid and subventions to them are given below:

(In lakhs of Rupees)

Year	Share of jute export duty	Share of income-tax	Grants-in-aid and subventions
1937-38	2,65	1,25	3,14
1938-39	2,51	1,50	3,05
1939-40	2,56	2,79	3,04
1940-41	1,85	4,16	3,04
1941-42	1,95	7,39	3,03
1942-43	1,40	10,90	2,76
1943-44	1,38	19,50	5,75 (a)
1944-45	1,49	26,56	8,70 (b)
1945-46	1,57	28,75	9,70 (c)
1946-47 (Revised estimate)	2,80	29,87	1,70
TOTAL	20,16	1,32,67	43,91 (d)

- (a) Includes 3,00 special grant to Bengal.
 (b) Includes 7,00 special grant to Bengal.
 (c) Includes 8,00 special grant to Bengal.
 (d) Includes 7 roundly in all for Coorg.

Appendix III:

SUMMARY OF PROVINCIAL SUGGESTIONS

Tax	Assignment existing or contemplated	Provinces proposing	Assignment proposed for Provinces
<i>Part I: Taxes</i>			
1. Income-tax (other than on agricultural income) [Sec. 138 of the Government of India Act, 1935, and item 54 in Federal Legislative List]	A maximum of 50% of the net proceeds to be distributed among Provinces	Madras Bombay	A minimum of 50% of net proceeds. 75% of income-tax and corporation tax receipts for Provinces or 75% of the corporation, income and super taxes paid by residents in a Province to be earmarked for that Province. From the divisible pool from corporation and income-tax 33-1/3% should be allotted to Bombay which is the largest single contributor to the revenue.
		U.P.	50% for Provinces on population basis.
		C.P.	75% tax on agricultural income also should be collected by Centre.
		West Bengal	60% to be distributed in proportion to the collection of these taxes in Provinces.
		Bihar	Even on the basis of population Bihar should have received 17 crores as against 13 allotted. In future none of the poorer Provinces should get an amount lower than that payable on the basis of population. The distribution should be governed not by residence of the assessee but by the place where the income is earned. The basic factors must be population and the place where the income is earned. If any modifications are to be made they must be done with the object of assisting the financially poorer Provinces among which Bihar is at the very bottom.
		Orissa	Distribution of 50% may continue as at present; but the percentages should be revised taking into consideration the factor also of the state of development in addition to those of population and residence used by Sir Otto. Due weightage to

(Contd.)

Tax	Assignment existing or contemplated	Provinces proposing	Assignment proposed for Provinces
			be given to undeveloped Provinces. Should the provincial share exceed 12 crores, 75% of the excess may be left to the discretion of the Central Government.
2. Corporation tax [item 46 in Federal Legislative List]	Wholly Federal	East Punjab	After the partition the East Punjab Province faces a deficit of about 3 crores; its share of income-tax proceeds should be very appreciably increased to meet the deficit fully.
		Assam	75%. There should be a drastic revision of the shares of Provinces in income-tax receipts having regard to the facts that Sind and N.W.F.P. go out, that the amounts now available in the divisible pool have enormously exceeded the original estimate and some Provinces are now getting, as a result, income-tax amounts exceeding the entire revenues of some others.
		Madras	At least 50% of the net proceeds to go to Provinces.
		Bombay U.P.	75% for Provinces. 50% for Provinces on population basis.
		C.P.	C.P. suggests the inclusion of corporation tax and taxes on capital and capital assets in taxes on income for distribution.
3. Central excise duties on tobacco and other goods except alcoholic liquors (item 46)	There is provision for sharing in full or in part [Sec. 140 (1)] but not so far shared	Madras Bombay	Should be entirely provincialised. Should be provincialised or not less than 50% of the net proceeds in each producing Unit to be allotted to that Unit.
		U.P.	Should be entirely provincialised and distributed on population basis.
		C.P.	Should be provincialised or 75% should be allotted to Provinces. The duty should cover some more articles such as rubber goods, papers, etc.
		West Bengal	25% of the Federal excise should be allocated to Provinces.

(Contd.)

Tax	Assignment existing or contemplated	Provinces proposing	Assignment proposed for Provinces
		Bihar	A portion of the duty should be distributed on the basis of the yields in different Provinces.
		Orissa	A portion may be distributed to Provinces gradually particularly as the Provinces are now faced with the loss of their excise revenue.
		Assam	At least 75 per cent of the excise duty collected on her oil should be allotted to Assam. At least 50 per cent of the other excise duties (sugar, steel, matches, tobacco and betel nuts) to be given to the producing Units on a formula combining factors of Province of production, size of population and level of revenue expenditure.
4. Export duties on jute and jute products	62½ per cent of net proceeds [Section 140 (2)]	West Bengal	75 per cent should accrue to the Provinces growing and manufacturing jute.
		Bihar	The entire net proceeds of the jute producing Provinces should be distributed proportionately among the concerned Provinces.
5. Export duties		Madras	At least 50 per cent of net proceeds of all export duties should be distributed to Provinces according to principles formulated by Federal Legislature. Analogy of jute duty arrangement cited.
		Bombay	50 per cent of net proceeds.
		U.P.	All export duties should be entirely provincialised and distributed on population basis.
		C.P.	Export duty on minerals (coal and manganese, etc.), should be allotted to C.P. (jute analogy).
		West Bengal	25 per cent of net proceeds of export duties other than jute.
		Orissa	A portion may be distributed to Provinces gradually particularly as the Provinces are now faced with the loss of their excise revenue.
		Assam	At least 75 per cent of the sale proceeds of export duty realised on her tea.

(Contd.)

Tax	Assignment existing or contemplated	Provinces proposing	Assignment proposed for Provinces
6. Succession duties, Federal stamp duties, terminal taxes (railway & air), taxes on railway fares & freights	Provided for full distribution to Provinces (Sec. 137)	Madras U.P. C.P. West Bengal Assam	It should be provided that the net proceeds shall not form part of the revenues of the Federation but shall be distributed to the Provinces according to principles formulated by the Federation The provisions should be fully utilised to augment the resources of Provinces. Succession duties in respect also of agricultural land should be transferred from the Provincial to the Federal List. The duty should be on ad valorem basis. The Provincial Governments should be empowered to levy them if the Central Government do not levy them. 50 per cent of income from increase in railway fares and freights above the levels determined by the Railway Budget of February 1947 to go to Provinces on population ratios weighted by a given factor in favour of Provinces with smaller revenues and expenditure.
7. State lotteries	Federal (item 48 in Federal List)	C.P.	Should be transferred to Provincial List.
8. Taxes on trades, professions, callings and employments	Provincial tax, Sec. 142-A, item 46 in Provincial List		The limit of Rs.50 p.a. should be removed and gradation according to capacity should be provided for.
9. Taxes on sales & advertisements	(Item 48 in Provincial List)		Sales tax should be levied in all Provinces and acceding States.

Part II: Non-tax Proposals

- U.P. (I) The inequity of the Niemeyer Award should be rectified and the Central allocation for U.P. should aim at a minimum of 6 or 7 crores p.a. going up to 12 or 13 crores in the space of 10 years.

(Contd.)

Tax	Assignment existing or contemplated	Provinces proposing	Assignment proposed for Provinces
			<p>(2) The consolidated debt due from the U.P. to the Government of India should be wiped off.</p> <p>(3) The Government of India should share losses on the foodgrains scheme as originally promised by them.</p>
		C.P	<p>A system of Central grants derived after taking into account such factors as natural resources, stage of industrial development, taxable capacity, etc., is essential. An expert <i>financial enquiry should be undertaken.</i></p>
		West Bengal	<p>(1) Provision for Federal aid to Provinces for social and amelioration work.</p> <p>(2) There should be a Finance Commission on the lines of the Commonwealth Grants Commission in Australia.</p>
		Bihar	<p>If any grants-in-aid or subventions are given in future the per capita revenue and expenditure in each Province during the last ten years should be kept in mind. Those with low per capita revenue and expenditure should be given greater assistance than the richer.</p>
		Orissa	<p>The broad lines of the present allocation may be maintained in the new Constitution; but the subvention of 40 lakhs fixed for the Province should be increased; it should be stated as a percentage of the revenues of the Central Government and in any case there should be a minimum annual subvention of 150 lakhs.</p> <p>Enforcement of the policy of prohibition and judicial panchayats will make the provincial administration impossible unless the Central Government multiplies its grants and subventions very liberally.</p>

Tax	Assignment existing or contemplated	Provinces proposing	Assignment proposed for Provinces
			<p>Abolition of the zamindari system would seriously affect land revenue and stamps. Make everyone pay according to his capacity. Provide for a well-regularised house tax on a provincial scale; a tax on passengers.</p> <p>Nationalisation of industry will wash away the twin anchor sheets of Central finance—income tax and customs.</p>
		East Punjab	<p>(1) Particularly as the East Punjab is now to be the frontier of the Indian Dominion, there is a strong case for a recurring subvention of more than 1 crore for it (North West Frontier Province used to get 1 crore).</p> <p>(2) A non-recurring subvention for the capital of the Province. (Orissa was given such a grant.)</p>
		Assam	<p>There is an obvious case for an upward revision of the subventions granted to Orissa and Assam.</p> <p>Assam as a frontier as well as a backward Province of India deserves special treatment.</p> <p>Its royalty of 5 per cent on oil (as against 10 times that amount of Central excise) is unfair. Large amounts of income accrue in Assam but are assessed in Calcutta which is headquarters of the concerned companies. Some Provinces like Bombay and Bengal have been allowed to get a large share of increased tax receipts because of their claim to be territorially responsible for the production of the incomes. Assam is entitled to similar consideration in regard to certain items of Central revenues.</p>

Appendix IV:

RIGHTS AND IMMUNITIES ENJOYED BY THE STATES

(A) *Annual Value of the Immunities enjoyed by the States under Sea Customs, Currency and Coinage*

State	Year to which the figures relate	Rs. in lakhs	Remarks (see footnote)
(i) Sea Customs:			
Kutch	1945-46	21.18	(1)
Bhavnagar	Do.	.19	(2)
Morvi	Do.	6.80	(3)
Junagarh (excluding Mangrol)	Do.	12.65	(3)
Nawanagar	Do.	15.27	(3)
Porbandar	Do.	3.63	(3)
Cambay	Do.	2.00	(4)
Baroda	1943-44	22.98	(5)
Janjira	1945-46	3.00	(6)
Cochin	1944-45	22.70	(7)
Travancore	Do.	17.99	(7)
Sawantwadi	Do.	0.12	(8)
Mangrol	Do.	2.33	(9)
Kashmir	1945-46	11.00	(10)
(ii) Currency and Coinage:			
Hyderabad	1945-46	105.55	
(6th October 1945 to 5th October 1946)			

Footnote.

- (1) In connection with Federation, the proposed method of calculating the immunity in the case of Kutch was as follows:

To the trade figures supplied by the State the British Indian tariff rates should be applied and from this total should be deducted the difference between the duty calculated at British Indian tariff rates and that actually collected at State rates on goods not consumed in the State itself.

As the figures necessary to apply this formula are not available the figure given to the statement represents simply the amounts of customs duty retained by the State in 1945-46.

- (2) The value of the immunity in the case of Bhavnagar is the total of customs collections made and retained by the State. The figures for 1945-46 are abnormal.

The figures for 1930-31 to 1935-36 were as follows:

1930-31	Rs. 51,02,974
1931-32	Rs. 75,91,016
1932-33	Rs. 81,93,368
1933-34	Rs. 99,32,628
1934-35	Rs. 1,21,55,668
1935-36	Rs. 61,62,300

- (3) The value of the immunity in these cases is represented by the total customs collections less the amount payable to the Central Government under the Agreements.

(4) By the agreement of 1938 Cambay is allowed to retain whichever is greater of the following two amounts:

- (i) Rs.2 lakhs; or
- (ii) a proportion of the customs duties collected at the State ports on the basis of population with suitable adjustments to correct difference between the proportion of the urban population to the rural population in the State and the whole of India respectively.

Since the net customs revenue collected by the State during 1945-46 was only Rs.6,993, the State was entitled to receive from the Central Government the difference between that figure and Rs.2 lakhs. The immunity in this case is therefore Rs.2 lakhs.

- (5) Baroda is entitled to retain all the duty collected by it up to a maximum of 1 per cent of the average customs revenue of British India and until this maximum is reached, the immunity is represented by the State's collections. The latest figures available are given here.
- (6) Annual payment under the 1940 Agreement, which represents the State's immunity.
- (7) The immunity of Travancore and Cochin is represented by their share of the pool produced by the collection of duty at the British port of Cochin, at Cochin ports and Travancore backwaters. In addition it is necessary to include for Travancore the annual collections of customs duty at their ports other than the backwater ports; and in respect of commodities such as tobacco, on which Travancore levies duty at rates other than British Indian rates, the amount of duty at those rates is substituted for the actual collections.
- (8) The immunity is represented by the compensation payment of Rs.13,433 less Rs.1,700 allotted for abolition of land-customs under the Agreement of 1838.
- (9) Actual amount collected and retained by the State.
- (10) Drawback from customs on goods imported by sea through British India.

(B) Note prepared by the Ministry of States on Excise Arrangements with Indian States

Matches. In respect of match excise there is a pooling arrangement with the States. The main principle is that the whole of the proceeds of the tax collected in any State are made over to the general pool and the whole proceeds of the pool divided between British India on the one hand and the various States that agree to come into the pool on the other on the basis of population, regardless of whether matches are manufactured or not, in the States. Import of matches from the States that have not joined this arrangement is prohibited. The conditions that a State is required to accept for admission to the pool are:

- (a) The State should levy duty on matches produced in their territories by means of British Indian banderols and pay the proceeds into the common pool.
- (b) The British Indian procedure for the levy and collection of duty should be followed.

Licence fees and fines are not included in the pool. Deduction on account of collection-charges at a uniform rate is allowed. The present rate is 3 per cent of the net collections. The total net revenue is distributed among the various States and British India on the basis of population. While the amount contributed by States during 1944-45 to the pool was Rs.44,38,970, the amount actually paid to the States was Rs.1,00,66,875. The British Indian realisation was Rs.5,46,26,781.

3. *Sugar.* Arrangements were made in 1934 with the sugar producing States whereby they were required to levy the same rates of excise and under the same conditions as in force in British India in return for which sugar produced in Indian States was to be admitted free to British India. Soon after the outbreak of war, arrangements were made with the major sugar producing States, whereby in addition to compliance with the 1934 arrangements, these States undertook to hand over to the Central Government the excess of their earnings from sugar excise in any year above the highest revenue derived from the sugar excise in any of the three years preceding 1939-40. As regards States which had not till then developed a degree of production materially in excess of their own consumption and States which had not commenced production the Residents were asked to watch and report developments. All producing States were, however, requested to levy the same duty as in British India. In the case of such States where production now exceeds consumption, the arrangement is that the State retains duty on the basis of population at the rate of Rs. 3/20 per capita revenue.

The sugar producing States are

A	B
Mysore	Baroda
Phaltan	Hyderabad
Kolhapur	Udaipur
Kapurthala	Gwalior
Rampur	Aundh
Jaora	Nabha
Bhopal	Kashmir
Sangli	
Miraj	

The States falling in category A above produce sugar in excess of their requirements and those falling in category B less than their requirements. Of the first mentioned States, negotiations were satisfactorily concluded with the first five. Bhopal which is surrounded on three sides and Jaora which is surrounded on all sides by Indian States, taking full advantage of their geographical position did not accept the settlement at first. Jaora, however, agreed to surrender its surplus revenue from 1942-43. Sangli and Miraj States only recently developed their sugar factories and have agreed to surrender the surplus revenue on the basis of the formula at 'A' above but have protested for revision of the arbitrary figure of actual consumption represented by 3/20ths. The matter is under consideration.

The amount retainable by Indian States and the average duty collected are as follows:

Name of State	Amount retainable	Average collection
	Rs.	(Rs. in lakhs)
Mysore	12,91,135	17
Kapurthala	2,52,000	8
Kolhapur	2,33,592	4
Rampur	11,43,532	16
Phaltan	5,21,262	
Sangli	44,007	Not known
Miraj	6,944	Not known

Following is the contribution by the above States to the Central Exchequer in respect of the year 1945-46:

	Rs.
Mysore	...
Kapurthala	6,47,368
Kolhapur	2,26,820
Rampur	...
Phaltan	1,40,585
Sangli	1,07,869
Miraj	59,268

Information regarding the amount to be surrendered by Mysore and Rampur is still awaited.

* * * * *

7. *Tobacco*. All States are expected to levy the British Indian rate of duty. (Some States where production is not of much consequence levy excise on the basis of acreage in view of the high cost of administration.) The States are entitled to retain the proceeds of the excise duty subject to the limit, on the basis of their population, worked out in accordance with the following formula:

$$A \frac{R \times p}{P}$$

where

A is the limit retainable by a State;

R, the total net revenue in any year calculated from 1st April to 31st March, collected in British India and all the participating States (i.e., the gross revenue less the cost of collection, licence fees, penalties, fines, etc.);

p, the population of the State concerned;

P, the population of British India and all the participating States.

Some States have not come into the scheme and the tobacco of such States on entry into British India is confiscated and released on payment of fine and penalty. Although section 5 of the Central Excises and Salt Act, 1944, empowers us to impose customs duty equivalent to the excise duty, the provisions of this section have not been involved because it has been possible to realise an amount equivalent to the excise duty on State tobacco under rule 32 of the Central Excise Rules by means of confiscation. Hyderabad has not accepted the formula and does not share the revenue with the Government of India although it has legislated on the lines of British India. No restrictions have been imposed on the entry of Hyderabad tobacco into British India.

To facilitate movement of tobacco from and to the States, a special procedure for the movement in bond has been devised. Under this procedure the duty is realised at destination and credited to a suspense account. The amounts realised on the State tobacco is at the end of the year credited to the State and is taken into account in the State's realisations for purposes of the formula. The revenue contributable by the States during the years 1943-44 and 1944-45 were Rs.51,38,809 and Rs.1,48,07,552 respectively.

8. *Vegetable product.* The formula is the same as in respect of tobacco. The only States concerned at present are Mysore and Cochin although the other States were asked to legislate and have legislated on the matter. Of the two States, namely, Cochin and Mysore, Cochin's contribution to the Central Revenues during the years 1943-44 and 1944-45 was Rs.76,160 and Rs.41,212 respectively. The Mysore State has nothing to pay under the formula.

9. *Tea, coffee and betel nuts.* The States concerned are:

Tea: Mysore, Travancore, Cochin, Tripura, Mandi;

Coffee: Mysore, Travancore, Cochin;

Betel nuts: Mysore, Travancore, Cochin, Tripura, Sawantwadi and Janjira.

The rates of duty imposed by Travancore are as follows:

Betel nuts: As. 1/6 per lb.

Coffee: As. -/6 per lb.

Tea: As. 1/9 per lb.

The same formula as in respect of tobacco has been adopted in respect of these excises also, although the Board's intention was that 'P' in respect of these excises should denote the population of all India and not limited to participating States and British India as in the case of tobacco. Mysore and Travancore, the two important States, have been clamouring for a revision of the formula. In the case of Travancore the following revised formula has been offered:

$$a = \frac{T}{P}$$

Amount of revenue accruing in States on behalf of India:

	1944-45	1945-46	1946-47
1. Kashmir	Rs.1,702 5 0	Rs.2,375 1 0	Rs.1,187 7 0
2. Jammu Tawi	Rs.3,608 1 0	Rs.4,133 12 0	Rs.1,501 3 0

Appendix V:

STATEMENT SHOWING REVENUE AND THE PERCENTAGE OF LAND CUSTOMS INCLUDED IN THE REVENUE OF CERTAIN STATES

(In lakhs of Rupees)

Name of State	Total revenue (ordinary)	Land customs	Percent- age	Remarks
1. Hyderabad	943	124	13.2	
2. Travancore	611	89	14.6	
3. Kashmir	557	117	21.0	
4. Gwalior	303	41	13.5	
5. Jaipur	197	23	11.6	
6. Baroda	434	20*	4.6	*Includes sea customs, figures of which are not separately available.
7. Jodhpur	224	40	17.8	
8. Udaipur (Mewar)	81	1	1.3	
9. Indore	305	27	8.9	
10. Bikaner	252	29	11.5	
11. Alwar	90	44	48.9	
12. Bhopal	124	20	16.1	
13. Kotah	48	6	12.5	
14. Tehri-Garhwal	23	4†	17.4	†includes excise also.
15. Bharatpur	65	23	35.4	
16. Cutch	89	1	1.1	
17. Patna	30	6	20.0	
18. Sarguja	17	5	29.4	
19. Nawanagar	110	19‡	17.3	‡Includes sea customs, figures of which are not separately available.
20. Tonk	34	11	32.3	
21. Bundi	29	8	27.6	
22. Sirohi	21	4	19.0	
23. Dungarpur	22	8	36.4	
24. Banswara	13	3	23.1	
25. Partabgarh	8	3	37.5	
26. Jhalawar	7	1	14.3	
27. Jaiselmer	6	3	50.0	
28. Shahpura	4	1	25.0	
29. Danta	3	1	33.3	
30. Palanpur	28	5	17.9	

(Contd.)

Name of State	Total revenue ordinary	Land customs	Percent- age	Remarks
31. Idar	45	17	37.8	
32. Balasinor	5	1	20.0	
33. Lunawada	10	2	20.0	
34. Sant	12	2	16.7	
35. Chhota Udaipur	24	2	8.3	
36. Radhanpur	23	4	17.4	
37. Baria	18	1	5.6	
38. Dewas (Junior)	23	4	17.4	
39. Panna	10	1§	10.0	§Includes tributes etc.
40. Ratlam	17	6	35.3	
41. Alirajpur	6	1	16.7	Includes sayar.
42. Bijawar	7	1@	14.3	@Includes biyai.
43. Chhatarpur	5	2	40.0	
44. Barwani	12	2	16.6	
45. Jaora	22	3	13.6	
46. Rajgarh	12	1	8.3	
47. Sailana	6	1	16.6	
48. Jhabua	13	4	30.8	

Appendix VI:

AMENDMENTS RECOMMENDED IN THE DRAFT CONSTITUTION

Provisions relating to Procedure in Financial Matters

Clause 75. To clause 75 add the following, namely:

(4) There shall be endorsed on every money Bill when it is transmitted to the Council of States under section 74, and when it is presented to the President for assent under section 76, the certificate of the Speaker of the House of the People signed by him that it is a money Bill.

Clause 79. In sub-clause (3) of clause 79, for the words "succeeding section" substitute the words "two succeeding sections".

New clause 80-A. After clause 80, insert the following new clause, namely:

80-A. *Excess grants.* If in any financial year expenditure from the revenues of the Federation has been incurred on any service for which the vote of the House of the People is necessary in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the House of the People and the provisions of sections 78 and 79 shall have effect in relation to such demand as they have effect in relation to a demand for a grant.

Clause 145. For sub-clause (1) of clause 145, *substitute* the following, namely:

(1) Subject to the special provisions of this Part of this Constitution with respect to money Bills, a Bill may originate in either House of the Legislature of a Province which has a Legislative Council.

(1a) Subject to the provisions of sections 146 and 146-A, a Bill shall not be deemed to have been passed by the Houses of the Legislature of a Province having a Legislative Council unless it has been agreed to by both Houses either without amendments or with such amendments only as are agreed to by both Houses.

Clause 146. For clause 146, *substitute* the following, namely:

146. Passing of Bills other than money Bills in Provinces having Legislative Councils. (1) If a Bill which has been passed by the Legislative Assembly of a Province having a Legislative Council and transmitted to the Legislative Council is not, before the expiration of twelve months from its reception by the Council, presented to the Governor for his assent, the Governor may summon the Houses to meet in a joint sitting for the purpose of deliberating and voting on the Bill:

Provided that nothing in this section shall apply to a money Bill.

(2) If, at a joint sitting of the two Houses summoned in accordance with the provisions of this section the Bill, with such amendments, if any, as are agreed to in joint sitting is passed by a majority of the total number of members of both Houses present and voting, it shall be deemed for the purposes of this Constitution to have been passed by both Houses:

Provided that at a joint sitting:

- (a) unless the Bill has been passed by the Legislative Council with amendments and returned to the Legislative Assembly, no amendment shall be proposed to the Bill other than such amendments, if any, as are made necessary by the delay in the passage of the Bill;
- (b) if the Bill has been so passed and returned by the Legislative Council, only such amendments as aforesaid shall be proposed in the Bill and such other amendments as are relevant to the matters with respect to which the Houses have not agreed, and the decision of the person presiding as to the amendments which are admissible under this sub-section shall be final.

New clauses 146-A and 146-B. After clause 146, insert the following clauses, namely:

146-A. Special provisions in respect of money Bills. (1) A money Bill shall not be introduced in a Legislative Council.

(2) After a money Bill has been passed by the Legislative Assembly of a

Province having a Legislative Council it shall be transmitted to the Legislative Council for its recommendations, and the Legislative Council shall within a period of thirty days from the date of its receipt of the Bill return the Bill to the Legislative Assembly with its recommendations, and the Legislative Assembly may thereupon either accept or reject all or any of the recommendations of the Legislative Council.

(3) If the Legislative Assembly accepts any of the recommendations of the Legislative Council, the money Bill shall be deemed to have been passed by both Houses with the amendments recommended by the Legislative Council and accepted by the Legislative Assembly and if the Legislative Assembly does not accept any of the recommendations of the Legislative Council, it shall be deemed to have been passed by both Houses in the form in which it was passed by the Legislative Assembly without any of the amendments recommended by the Legislative Council.

(4) If a money Bill passed by the Legislative Assembly and transmitted to the Legislative Council for its recommendations is not returned to the Legislative Assembly within the said period of thirty days, it shall be deemed to have been passed by both Houses, at the expiration of the said period of thirty days in the form in which it was passed by the Legislative Assembly.

146-B. *Definition of "money Bill".* (1) For the purposes of this Chapter, a Bill shall be deemed to be a money Bill if it makes provision

- (a) for imposing or increasing any tax; or
- (b) for regulating the borrowing of money or the giving of any guarantee by the Province or for amending the law with respect to any financial obligations undertaken or to be undertaken by the Province; or
- (c) for declaring any expenditure to be expenditure charged on the revenues of the Province, or for increasing the amount of any such expenditure.

(2) A Bill shall not be deemed to be a money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties or for the demand or payment of fees for licences or fees for services rendered or by reason that it provides for the imposition or increase of any tax by any local authority or body for local purposes.

(3) If any question arises whether a Bill is a money Bill or not, the decision of the Speaker of the Legislative Assembly thereon shall be final.

(4) There shall be endorsed on every money Bill when it is transmitted to the Legislative Council under section 146-A after it has been passed by the Legislative Assembly, and when it is presented to the Governor for assent under section 147, the certificate of the Speaker of the Legislative Assembly signed by him that it is a money Bill.

Clause 148. In the proviso to clause 148, after the words "Provided that" *insert* the words "if the Bill is not a money Bill".

Clause 151. In sub-clause (3) of clause 151, for the words "succeeding section" *substitute* the words "two succeeding sections".

New Clause 152-A. After clause 152, *insert* the following clause, namely:

152-A. *Excess grants.* If in any financial year expenditure from the revenues of the Province has been incurred on any service for which the vote of the Legislative Assembly is necessary in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Assembly and the provisions of sections 150 and 151 shall have effect in relation to such demand as they have effect in relation to a demand for a grant. .

Clause 153. For Clause 153, *substitute* the following clause, namely:

153. *Special provision as to financial Bills.* (1) A money Bill or an amendment thereto shall not be introduced or moved except on the recommendation of the Governor.

(2) A Bill which, if enacted and brought into operation, would involve expenditure from the revenues of a Province shall not be passed by a House of the Provincial Legislature unless the Governor has recommended to that House the consideration of the Bill.

Provisions relating to the Auditor-General of the Province

Clause 174. For sub-clause (3) of clause 174, *substitute* the following, namely:

(3) The Auditor-General of a Province shall be eligible for appointment as Auditor-General of the Federation or as Auditor-General of any other Province but not for any other appointment either under the Federation or under the Government of a Unit after he has ceased to hold his office.

Provisions relating to Distribution of Revenues between the Federation and Units and Miscellaneous Financial Provisions

Clause 194-A. For clause 194-A, *substitute* the following, namely:

194-A. *Interpretation.* In this Part

- (a) 'Finance Commission' means the Finance Commission constituted under section 202-A of this Constitution;
- (b) 'Unit' does not include a Chief Commissioner's Province.

Clauses 196 to 199. For clauses 196 to 199, *substitute* the following, namely:

196. *Certain succession duties.* (1) Duties in respect of succession to property other than agricultural land and estate duty in respect of property other than agricultural land shall be levied and collected by the Federation, but sixty per cent or such higher percentage as may be prescribed of the net proceeds in any financial year of any such duty, except in so far as those proceeds represent proceeds attributable to Chief Commissioners' Provinces, shall not form part of the revenues of the Federation, but shall be assigned to the Units within which that duty is leviable in that year, and shall be distributed among the Units in accordance with such principles of distribution as may be prescribed.

(2) If any dispute arises as to the distribution of the net proceeds of any such duty among the Units, it shall be referred for decision to such authority as may be appointed in this behalf by the President and the decision of such authority shall be final.

196-A. *Certain terminal taxes.* Terminal taxes on goods or passenger carried by railway or air shall be levied and collected by the Federation, but the net proceeds in any financial year of any such tax, except in so far as those proceeds represent proceeds attributable to Chief Commissioners' Provinces, shall not form part of the revenues of the Federation, but shall be assigned to the Units within which that tax is leviable in that year, and shall be distributed among the Units in accordance with such principles of distribution as may be prescribed.

196-B. *Certain stamp duties.* Such stamp duties as are mentioned in the Federal Legislative List shall be levied by the Federation and collected, in the case where such duties are leviable within any Chief Commissioner's Province, by the Federation, and in other cases by the Units within which such duties are respectively leviable, but the proceeds in any financial year of any such duty leviable in that year within any Unit shall not form part of the revenues of the Federation, but shall be assigned to that Unit.

197. *Taxes on income.* (1) Taxes on income other than agricultural income shall be levied and collected by the Federation, but sixty per cent, or such higher percentage as may be prescribed, of the net proceeds in any financial year of any such tax, except in so far as those proceeds represent proceeds attributable to Chief Commissioners' Provinces shall not form part of the revenues of the Federation, but shall be assigned to the Units within which that tax is leviable in that year, and shall be distributed among the Units in such manner as may be prescribed:

Provided that the Federal Parliament may, at any time, increase the said taxes by a surcharge for Federal purposes and the whole proceeds of any such surcharge shall form part of the revenues of the Federation.

(2) In this section, "taxes on income" includes any sum levied by the Federation in lieu of any tax on income but does not include any contributions levied by the Federation in respect of its own undertakings.

198. *Salt duties and excise duties.* (1) No duties on salt shall be levied by the Federation.

(2) Federal duties of excise shall be levied and collected by the Federation, but, if an Act of the Federal Parliament so provides, there shall be paid out of the revenues of the Federation to the Units to which the Act imposing the duty extends, sums equivalent to the whole or any part of the net proceeds of that duty, and those sums shall be distributed among the Units in accordance with such principles of distribution as may be prescribed:

Provided that fifty per cent, or such higher percentage as may be prescribed, of the net proceeds in any financial year of the excise duty on tobacco, except in so far as those proceeds represent proceeds attributable to Chief Commissioners' Provinces, shall not form part of the revenues of the Federation but shall be assigned to the Units within which that duty is leviable in that year, and shall be distributed among the Units in such manner as may be prescribed.

198-A. *Taxes not enumerated in any of the lists in the Ninth Schedule.* If any tax not mentioned in any of the lists in the Ninth Schedule to this Constitution is imposed by Act of the Federal Parliament by virtue of entry 90 of the Federal Legislative List, such tax shall be levied and collected by the Federation but a prescribed percentage of the net proceeds in any financial year of any such tax, except in so far as those proceeds represent proceeds attributable to Chief Commissioners' Provinces, shall not form part of the revenues of the Federation, but shall be assigned to the Units within which that tax is leviable in that year, and shall be distributed among the Units in accordance with such principles of distribution as may be prescribed.

198-B. *Grants in lieu of jute export duty.* Until the abolition of the export duty levied by the Federation on jute or jute products or the expiration of ten years from the commencement of this Constitution, whichever is earlier, there shall be charged on the revenues of the Federation in each year as grants-in-aid of the revenues of the Provinces mentioned below the sums respectively specified against those provinces:

<i>Province</i>	<i>Sum</i>
West Bengal	100 lakhs of rupees.
Bihar	17 lakhs of rupees.
Assam	15 lakhs of rupees.
Orissa	3 lakhs of rupees.

199. *Grants from Federation to certain Units.* Such sums as the President may, on the recommendation of the Finance Commission, by

order fix shall be charged on the revenues of the Federation in each year as grants-in-aid of the revenues of such Units as the President may on such recommendation determine to be in need of assistance, and different sums may be fixed for different Units:

Provided that there shall be charged on the revenues of the Federation in each year as grants-in-aid of the revenues of the Provinces of Assam and Orissa the sums of thirty and forty lakhs of rupees respectively or such higher sums as the President may on the recommendation of the Finance Commission fix in respect of either of these Provinces:

Provided further that there shall be paid out of the revenues of the Federation as grants-in-aid of the revenues of a Province such capital and recurring sums as may be necessary to enable that Province to meet the costs of such schemes of development as may be undertaken by the Province with the approval of the Federal Government for the purpose of promoting the welfare of the scheduled tribes in the Province or raising the level of administration of the scheduled areas in the Province to that of the administration of the rest of the Province:

Provided also that there shall be paid out of the revenues of the Federation as grants-in-aid of the revenues of the Province of Assam sums, capital and recurring, equivalent to

- (a) the average of expenditure over the revenues during the three years immediately preceding the date of commencement of this Constitution in respect of the administration of the areas specified in Part I of the table appended to paragraph 19 of the Eighth Schedule to this Constitution; and
- (b) the costs of such schemes of development as may be undertaken by that Province with the approval of the Federal Government for the purpose of raising the level of administration of the said areas to that of the administration of the rest of the Province.

Clause 200. In sub-clause (2) of clause 200, for the word "fifty", wherever it occurs, *substitute* the words "two hundred and fifty".

New Clause 201-A. After clause 201, *insert* the following clause, namely:

201-A. *Application of the provisions relating to distribution of revenues during the period a Proclamation of Emergency is in operation.* Where a Proclamation of Emergency is in operation whereby the President has declared that the security of India is threatened, then, notwithstanding anything contained in the foregoing provisions of this Chapter, the President may, by order, direct that all or any of those provisions shall, until the expiration of the financial year in which such Proclamation ceases to operate, have effect subject to such exceptions or modifications as may be specified in such order.

Clause 202. For clause 202, *substitute* the following, namely:

202. *Definition of 'prescribed' and calculation of 'net proceeds' etc.* (1) In the foregoing provisions of this Chapter,

(a) prescribed means

(i) until the Finance Commission has been constituted, prescribed by order of the President; and

(ii) after the Finance Commission has been constituted, prescribed by order of the President on the recommendation of the Finance Commission;

(b) net proceeds means in relation to any tax or duty the proceeds thereof reduced by the cost of collection, and for the purposes of those provisions the net proceeds of any tax or duty, or of any part of any tax or duty, in or attributable to any area shall be ascertained and certified by the Auditor-General of the Federation, whose certificate shall be final.

(2) Subject as aforesaid, and to any other express provision in this Chapter, an order of the President may, in any case where under this Part of this Constitution the proceeds of any duty or tax are, or may be, assigned to any Unit, provide for the manner in which the proceeds are to be calculated, for the time from or at which and the manner in which any payments are to be made, for the making of adjustments between one financial year and another, and for any other incidental or ancillary matters.

New Clauses 202-A and 202-B. After clause 202, *insert* the following clauses, namely:

202-A. *Finance Commission.* (1) There shall be a Finance Commission which shall consist of a Chairman and four other members to be appointed by the President in his discretion.

(2) The Chairman shall be a person who holds or has held judicial office not inferior in rank to that of a Judge of a High Court.

(3) The members of the Commission shall receive such remuneration as the President may by order determine and shall hold office for a term of five years and may on the expiry of such term be re-appointed for another term of five years.

(4) It shall be the duty of the Commission to perform the functions conferred on the Commission by this Chapter or by any other law for the time being in force and to give advice to the Federal Government upon such financial matters or to perform such other duties of a financial character as may from time to time be referred or assigned to it by the President.

(5) The Commission shall determine its procedure and shall have such

powers in the performance of its functions as the President may by order confer on it.

202-B. *Recommendations of the Finance Commission.* The President shall cause every recommendation made by the Finance Commission under the foregoing provisions of this Chapter together with an explanatory memorandum as to the action taken thereon by the President to be laid before the Federal Parliament.

Clause 207. To clause 207, *add* the following explanation, namely:

Explanation: For the purposes of this section, any undertaking by the Government of any Unit, such as the sale of the forest produce of any forest under the control of such Unit or of any article produced in any jail within such Unit, shall not be deemed to be a trade or business, carried on by or on behalf of such Government.

Provisions relating to Borrowing

Clause 210. In sub-clause (3) of clause 210, for the word "Province", in the two places where it occurs, *substitute* the word "Unit".

Ninth Schedule—Provincial Legislative Lists

In the Provincial Legislative List in the Ninth Schedule,

- (1) in entry 43, *omit* the words "hearths and windows";
- (2) for entry 50, *substitute* the following, namely:

50. Taxes on the sale, turnover or purchase of goods including taxes in lieu thereof on the use or consumption within the Province of goods liable to taxes within the Province on sale, turnover or purchase; taxes on advertisement;

- (3) in entry 53, for the word "Cesses" *substitute* the word "Taxes"; and
- (4) in entry 56, for the word "Does" *substitute* the word "Taxes".

APPENDICES

PART II

1. *Minutes of a meeting of the Executive Committee held on 19 March 1947 at 1 Upper Wood Street, Calcutta, for organising a World Pacifist Meeting*

Present: Mr. Horace Alexander (in the Chair), Dr. Amiya Chakravarty, Swami Nityaswarupananda, Mr. and Mrs. G.L. Mehta, Dr. Kalidas Nag, Mr. B. Kanoria, Mrs. Sujata Roy, Mr. M. Guha, Principal S.K. Roy, Mr. H.L. Bose, Mrs. Rogers and Miss Gladys Oweri.

An apology for absence was received from Dr. Hume.

The minutes of last meeting had been circulated and were approved.

1. *Correspondence* from the Friends Peace Committee, London, and from a special joint committee of the Mennonites, Brethren, Friends and Fellowship of Reconciliation in America was read..

It was noted that the Friends Peace Committee, London, are content to leave conference arrangements in the hands of this Committee. They have already raised £1,000, which should enable at least four people to come from Europe. Marjorie Sykes, who attended their meeting, has just reached India. They will send names of people they think suitable for invitations very soon. We much appreciate the active help they are giving.

The American Committee indicated general support for the plan of the conference or meeting, and the desire to hold it next winter. They hope to be able to send eight or ten from North America. (Note: A letter received from Ray Newton of the American Friends Service Committee on the day after the Committee meeting indicates approval of the plans we are making and of the idea of an invitation rather than a delegates' meeting. He also suggests ways for expediting the invitations.)

2. *All-India Committee.* Correspondence was received from Ranjit Chetsingh, J.K. Mehta, J.C. Kumarappa and Prof. Hafiz Sayyid, on behalf of himself and Prof. Muhammad Habib. With regard to the points raised by R.M. Chetsingh, the Committee did not feel that the inviters must all be pacifists, provided they feel able to sign the letter of invitation, which will clearly indicate the conviction that a meeting of religious pacifists may play an important role in saving the world from destruction. It was felt that the choice of Santiniketan as the place of meeting will obviate the doubt expressed by Mr. J.K. Mehta about a meeting in a village. As to the plea of Professor Sayyid and Professor Habib that one or more of the whole Committee should be called, doubt was expressed whether such meetings would be practicable or necessary. As there is no occasion for planning an elaborate conference agenda, it seems doubtful whether the work a committee from all over India could do would justify bringing people all across the country. It is important, however, that the local committee should keep in close touch with the All-India Committee, especially with regard to issuing the invitations. Minutes of the Committee will be circulated to them all, and the comments of members invited. If any member of the All-India Committee is able

to be in Calcutta for a meeting of this Committee, his presence will be warmly welcomed. Horace Alexander was asked to write to Professors Sayyid and Habib in this sense.

3. *Constitution and name of Conference and Committees.* It was decided that the proposed Conference, as it has hitherto been called, should be officially styled 'World Pacifist Meeting'; that the All-India Committee be called the 'All-India Invitation Committee'; and this Committee be called 'Executive Committee for organising a World Pacifist Meeting'.

4. *Membership of Committees.* It was agreed that the Invitation Committee ought to include men and women of all communities, if possible, and from most Provinces. The names of Mr. Chotalal Jain, a leading member of the Jain community, Dr. Unwala of Bombay and Miss Gladys Owen were added to the list of those we hope will sign the invitation.

The Committee was very glad to welcome Mrs. G.L. Mehta, Mrs. Sujata Roy, Principal S.K. Roy and Mr. H.L. Bose, who have agreed to join the Executive.

5. *Invitation.* A draft letter of invitation was read. Some amendments were agreed to, and Horace Alexander was directed to forward it to Gandhiji.

6. *Indian participation in the Meeting.* It was felt that the best way of arranging for suitable Indian representation at the Meeting itself will be to ask Gandhiji to suggest those whom he would like to be associated with.

7. *Finance.* It was estimated that, if America and Britain between them raise £3,000 or more, another £7,000 (or Rs.1 lakh) may be needed for paying the expenses of visitors both for their journeys to and from India and for expenses in India. It was decided not to issue any public appeals until the letter of invitation is going out. In view of this postponement, it was resolved to raise a fund of about Rs.1,000 privately, to cover current expenses. Rs.700 was promised on the spot.

8. *Secretarial arrangements.* Mr. Hiralal Bose kindly undertook to help Mr. Horace Alexander with secretarial arrangements in his spare time.

9. *Bank account.* Resolved that an account be opened in the name of 'World Pacifist Meeting' with the Central Bank of India Ltd., and that any two of the following three persons be authorised to operate upon the same: Mr. B. Kanoria (Treasurer), Mr. H.G. Alexander (Secretary), Mr. H.L. Bose (Joint Secretary).

10. *Next meeting.* This Committee hopes to meet again at 3 p.m. on Saturday, May 3rd, when we hope to be able, in the light of information received from England and America and from those who will attend the forthcoming Inter-Asian Conference, to agree on the list of invitees.

2. *Discussion at Constructive Works Committee meeting held in New Delhi on 11/12 December 1947*

J.B. KRIPALANI: This meeting has been convened by the Constructive Works Committee of the Congress. The question has been raised what the constructive

workers should do.

GANDHIJI: The first thing we have to do is to improve our national character. No revolution is possible till we build our character. The pity is that though Swaraj is so recent an achievement, there is already a slackness in constructive efforts. I know there are a few difficulties. Government help also may not be forthcoming at places. But the Congress has always been in our hands. And if you will only make an effort the Government too will remain in our hands.

QUESTION: Should constructive workers take part in politics?

GANDHIJI: I have answered this question many times before. I repeat my answer: leave politics to Rajendra Babu, Jawaharlal and Vallabhbhai. You confine yourselves to constructive work.

It is difficult to answer the question why constructive work is making so little headway, though the Congress has sworn adherence to it for years and men like Jawaharlal, Rajendra Babu and Vallabhbhai are at the helm of affairs. All the Sanghs, except the Harijan Sevak Sangh, were brought into being by the Congress. Why is it then that the workers of these Sanghs lack the power to make the Government go the whole hog with them? No doubt, the fault lies with us, the constructive workers. We had faith in constructive work, but our faith was not deep or enlightened enough to illumine our intellect and so our growth has been lop-sided. The criticism levelled against the constructive workers is that they are generally lacking in imagination and intellect. Our intelligentsia are not lacking in sympathy. Reason, as a rule, follows in the footsteps of feeling. But we have not sufficiently penetrated the hearts of the intelligentsia to convince their reason.

This is my analysis of the situation. There should be rapport between the constructive workers and the institution. We must first purify ourselves. The Congress has always had the constructive programme. Now it has the power. Why is it then that our work is not progressing? It may be that we have no heart. Because if we were endowed with a heart we would have been sensitive to the pain of others. Moreover, a person may be in sympathy with one in distress and still may not be of any help to him. But our minds have not opened. Many eminent people who are in politics have had this experience. I have had a hand in the formation of all these various institutions, and I can say that things are in such a state because our hearts are not pure. A current was generated. The people caught on to the idea that that was the way to overcome the British. Villagers too flocked to us in ever larger numbers. It gladdened us that there was such awakening in the country. But in the forefront were intellectuals. And the result was that the freedom that came was not true freedom. The fight being over, our interest in the constructive programme waned. Constructive work is not a strategy or a technique of fighting. Constructive work connotes a way of life. It can be carried on only by men who have adopted it by the heart as well as by the intellect.

Kumarappa² pointed out that our way of life would be determined by what we do. Then the Sangh³ came to be formed, in which the Congress helped. The

Congress lent the constructive workers' Sanghs its name and also gave them the charter to function. But the Congressmen failed to come up to the scratch and to shoulder the burden. Such is our bankruptcy. If the Sanghs could come together and could work under the direction of a jointly chosen representative, it would mark a big step forward. To set our own house in order is the first indispensable requisite, if we want to influence political power. If all the Sanghs gave a good account of themselves, worked unitedly and in cooperation, without a jar or jolt, it would be a grand thing. But they must not do it for the sake of popularity, nor hanker after political power, even in their dreams. Soon we shall have adult suffrage. That is a good thing. But to regard adult suffrage as a means of capturing political power, would be to put it to corrupt use.

The objective of the constructive workers' organisations is to generate political power. But if we say that political power having come, it must be ours as a price for our labours, it would degrade us and spell our ruin. Take the case of the Charkha Sangh. It has the largest membership of all the Sanghs. But we have never endeavoured to get its members enrolled on the voters' list. It was suggested at one time that we should get their names enrolled on the Congress register. I opposed it. "Do we want to capture the Congress?", I asked. That would be tantamount to killing it. The Congress can be ours only by right of service. Today we have our own Government. Under adult suffrage, if we are worth our salt, we should indeed have that hold upon the people that whomsoever we might choose, should be returned. In Sevagram I deprecated the proposal of our people enrolling themselves as voters. What actually happened was that the people from the village came and sought our advice as to whom they should give their vote, because they knew that we were their true servants and had no axe to grind.

Today politics has become corrupt. Anybody who goes into politics gets contaminated. Let us keep out of it altogether. Our influence will grow thereby. The greater our inner purity, the greater shall be our hold on the people, without any effort on our part.

My eyes have now been opened. I see that what we practised during the fight with the British under the name of non-violence, was not really non-violence. God had purposely sealed my eyes, as He wanted to accomplish His great purpose through me. That purpose being accomplished, He has restored to me my sight. Now I can see with open eyes what is to be done. I have been learning the art for so many years. Maybe I have got the technique. If I make a mistake I rectify it. I therefore say that there is no need for us to consult the Government. They went as far as they could.

Has what I am doing today penetrated your hearts? Then you should have the strength to remove corruption, wheresoever it may be. You have met here as the constructive wing of the Congress. For that you need not get into any committee. Your work is among the masses. The Constituent Assembly is today forging the Constitution. Do not bother about making changes in it. Shriman Narayan Agrawal has written to me that in the Constitution that is being framed now, there is no mention of gram panchayat, whereas the Congressmen have always

said that the gram panchayat must be the foundation of our future polity. We have to resuscitate the village, make it prosperous and give it more education and more power. What good will the Constitution be if the village does not find its due place in it? What Shriman Narayan Agrawal says, appeals to me. But we must recognise the fact that the social order of our dreams cannot come through the Congress of today. Nobody knows what shape the Constitution will ultimately take. I say, leave it to those who are labouring at it. Let the constructive workers consolidate their strength, and the way to do it is through the unification of the various constructive workers' organisations. And if we cannot do that, let each Sangh continue on its way and develop its strength as best as it can, making intelligence more and more the hallmark of all its activity. The Charkha Sangh is the biggest Sangh. It has funds. It is pursuing the policy of decentralisation. I am not unaware of its perils and its difficulties. We have to create a superior, more advanced type of khadi worker. Not till then shall Panchayat Raj become a reality. The workers of the Charkha Sangh are not there merely to earn a living for themselves or merely to distribute some wages to the spinners and weavers, etc., by way of poor relief. The only goal worthy of their ambition is to create a non-violent order of society. But, in this they have not made much headway. If our khadi workers are there for wages only, then we had better bid good-bye to the dream of realising a non-violent social order. The success will depend on our uttermost purity. Impatience would be fatal.

We are today rather poor. But this poverty does not discourage me. Only now we are coming to realise that all our workers are from cities. They do not even know what non-violence is. When a woman gives me yarn she does it for money. But why does she covet money? The root cause is poverty. It is that root we have to destroy. Where is khadi today? The people who wear khadi do so to gain political ends. There is no credit in it. Our work may be slow but we can generate great strength through it. Let us forget about the Congress constitution, because even after the Constitution has been given shape our work must go on. We have to pursue our ends in a different way. You must not succumb to the desire to become ministers.

The really poor villager is haunted by the spectre of destitution. He cannot see beyond the satisfaction of his primary needs. The villager does not understand non-violence, nor do I talk to him of it, but I try only to see that he becomes a good spinner and gets a fair minimum subsistence wage. I do not mind if the volume of our work is small, so long as it is solid. Constitution-making will be over in a few months. What next? The responsibility of working it and making a success of it will rest on you. Suppose you get a Constitution after your heart, but it does not work. After five years, someone will say: 'You had your innings, now give us a chance.' You will have to give in and they may try to seize power, set up a dictatorship and strangle the Congress. Per contra, suppose you do not assume power but gain hold on the public, you will be able to return at the polls whomsoever you may wish. Forget membership so long as the voters are in your hand. Think of the root and take care of it as much as you can, and make self-

purification the sole criterion. Even a handful imbued with this spirit will be able to transform the atmosphere. The people will soon perceive the change and they will not be slow to respond to it. Yours is an uphill and difficult task but it is full of rich promise.

QUESTION: The people are with us, but the Government obstruct our effort. What are we to do?

GANDHIJI: If the people are with you, the Government are bound to respond. If they do not, they will be set aside and another installed in their place. Even in the days of Lord Wavell I used to tell the people that they did not know their own strength, or they could get Lord Wavell removed at will. When the British saw that he would rule over us only by martial law, they removed him. It is a tribute to the British, for they could very well have imposed martial law.

QUESTION: Should there not be an overall organisation, which would include and coordinate all the Sanghs' activities?

GANDHIJI: A separate organisation is not necessary for that purpose. What is needed is coordination of the work of the Sanghs. The various Sanghs have worked separately and independently of one another till now. We tried to set up a coordinating committee for the purpose of *samagra gram seva*, but it did not work. If we all unite, we shall function like the departments of the Central Government. For instance, why should there be separate stores and sales depots for the Spinners' Association and the Village Industries Association? Why could not the machinery of the Spinners' Association be available for furthering the activities of both? The members of the Charkha Sangh will do the work of the Gram Udyog too. There is the question of the sale of *tadgur*. Why should not the Charkha Sangh take it over? Our workers' children have to be educated. Shall we build a separate school for them? Is that not the function of the Talimi Sangh? If we will not cooperate even in such matters, it will show that we have not understood how ahimsa works. The central body will lay down the general lines of policy which all the Sanghs will follow. If we are determined and pledge ourselves to 'do or die', we are bound to succeed.

ARYANAYAKUM: Let the Presidents and Secretaries of the various Sanghs meet first in a preliminary informal conference and, after discussion, place before Gandhiji the implication and difficulties of unification.

SHANKARRAO DEO: This is not the right way to go about it. The workers should meet first. A gathering of the Presidents and Secretaries will not have the requisite atmosphere. It is a narrow and subjective approach.

GANDHIJI: It is neither narrow, nor subjective. The workers' conference can follow, not precede. The Charkha Sangh has its Board; Jajuri⁴ must consult it first. The average worker will not even understand.

SHANKARRAO DEO: We have a number of intelligent workers; let them be called.

GANDHIJI: We seem to be talking at cross purposes. The discussion that I have proposed, involves technical matters. It needs specialists. The general workers will feel themselves at sea in such a discussion. Let the props and pillars unite. All

will then feel the glow of strength. Forget me. Dr. Zakir Husain is a great organiser. He has suggested that just now nothing should be decided under the spell of my presence. And, therefore, he has recommended that the matter be taken up later at Sevagram. I like it. The atmosphere at Sevagram would be calmer and free from the communal virus. When I came here, I did know that I would have to speak on these things. I was told that in the Constitution Committee of the Congress there were some constructive workers; how could they make their influence felt in the Congress? I had come to tell you that you must not expect to get the Constitution you desire through the Congress. Nor need that worry you. It should be enough if the Constitution you get does not actually stand in the way of constructive effort. The second thing I had come to tell you was that the various Sanghs should become the research laboratories in their respective fields. Our constructive works institutions are not democracies, but they are the instruments for the building up of democracy. The Congress has lent us its name and its prestige and, in return, it derives prestige from us for the service which, as its true servants, we render. The connection of the constructive workers' organisations with the Congress is spiritual. It can be severed at any moment. As specialists we should be able to tender to the Congress our advice on what needs to be done.

QUESTION: Why cannot we get it done through the Congress?

GANDHIJI: Because the Congressmen are not sufficiently interested in constructive work. If they were, it should not have been necessary for us to meet here.

QUESTION: That being the Congressmen's psychology, what is the use of giving place to the constructive workers organisations in the Congress constitution?

GANDHIJI: Because the constitution moulds the psychology of the people. People may not do the things they believe, but then it should be our duty to see that through our neglect our case does not go by default.

QUESTION: Labour is represented in the Assembly through their representatives. There are special seats reserved for universities. Why should not constructive workers' organisations have their functional representatives in the A.I.C.C., who would act in the general way, too?

GANDHIJI: No, surely not the mixture. Functional is all right. But in general there is so much corruption today, that it frightens me. Everybody wants to carry a lot of votes in his pockets, because the votes give power. Under adult suffrage, anybody who is eligible has a vote. Let all such members of the various Sanghs form themselves into one body and let the Congress Working Committee and the A.I.C.C. take from among them their nominees, to advise and to guide them in matters and policies pertaining to constructive work. There are many labour organisations in the country. There is the Ahmedabad Labour Union, the Charkha Sangh, the Goseva Sangh, the Chamber of Commerce, and so on. The Congress claims to represent them all. The Congress, of course, claims to represent the Princes too. But I would not ask you to include the Chamber of

Princes in your scheme. Take all the living organisations with you. Purify yourselves of all dross. Banish the very idea of capture of power and keep it on the right path. Therein lies salvation. There is no other way.

¹ Congress workers, including Shankarrao Deo and R.R. Diwakar, had posed the question whether it would not be better, in view of the halting policy pursued by the Government, to form themselves into a separate body and go into the Government for the furtherance of the constructive programme.

² J.C. Kumarappa.

³ All India Village Industries Association.

⁴ Shrikrishnadas Jaju.

3. *Memorandum to the Security Council, dated 1 January 1948, from the Indian Representative to the Security Council*

The Government of India have instructed me to transmit to you the following telegraphic communication:

1. Under Article 35 of the Charter of the United Nations, any Member may bring any situation whose continuance is likely to endanger the maintenance of international peace and security to the attention of the Security Council. Such a situation now exists between India and Pakistan owing to the aid which invaders, consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining Pakistan on the north-west, are drawing from Pakistan for operations against Jammu and Kashmir, a State which has acceded to the Dominion of India and is part of India. The circumstances of accession, the activities of the invaders which led the Government of India to take military action against them, and the assistance which the attackers have received and are still receiving from Pakistan are explained later in this memorandum. The Government of India request the Security Council to call upon Pakistan to put an end immediately to the giving of such assistance, which is an act of aggression against India. If Pakistan does not do so, the Government of India may be compelled, in self-defence, to enter Pakistan territory, in order to take military action against the invaders. The matter is, therefore, one of extreme urgency and calls for immediate action by the Security Council for avoiding a breach of international peace.

2. From the middle of September 1947, the Government of India had received reports of the infiltration of armed raiders into the western parts of Jammu Province of Jammu and Kashmir State; Jammu adjoins West Punjab, which is a part of the Dominion of Pakistan. These raiders had done a great deal of damage in that area and takes possession of part of the territory of the State. On 24th October, the Government of India heard of a major raid from the Frontier Province of the Dominion of Pakistan into the Valley of Kashmir. Some two thousand or more fully armed and equipped men came in motor transport, crossed over to the territory of the State of Jammu and Kashmir, sacked the town

as a result of the invasion of the Valley demanded immediate decision by the Government of India on both the requests. It was imperative on account of the emergency that the responsibility for the defence of Jammu and Kashmir State should be taken over by a government capable of discharging it. But, in order to avoid any possible suggestion that India had utilised the State's immediate peril for her own political advantage, the Government of India made it clear that once the soil of the State had been cleared of the invader and normal conditions restored, its people would be free to decide their future by the recognised democratic method of a plebiscite or referendum which, in order to ensure complete impartiality, might be held under international auspices.

7. The Government of India felt it their duty to respond to the appeal for armed assistance because:

- (1) They could not allow a neighbouring and friendly State to be compelled by force to determine either its internal affairs or its external relations;
- (2) The accession of Jammu and Kashmir State to the Dominion of India made India really responsible for the defence of the State.

8. The intervention of the Government of India resulted in saving Srinagar. The raiders were driven back from Baramulla to Uri and are held there by Indian troops. Nearly 19,000 raiders face the Dominion forces in this area. Since operations in the Valley of Kashmir started, pressure by the raiders against the western and south-western borders of Jammu and Kashmir State had been intensified. Exact figures are not available. It is understood, however, that nearly 15,000 raiders are operating against this part of the State. State troops are besieged in certain areas. Incursions by the raiders into the State territory, involving murder, arson, loot, and the abduction of women continue. The booty is collected and carried over to the tribal areas to serve as an inducement to the further recruitment of tribesmen to the ranks of the raiders. In addition to those actively participating in the raid, tribesmen and others, estimated at 100,000, have been collected in different places in the districts of West Punjab bordering Jammu and Kashmir State, and many of them are receiving military training under Pakistani nationals, including officers of the Pakistan Army. They are looked after in Pakistan territory, fed, clothed, armed and otherwise equipped, and transported to the territory of Jammu and Kashmir State with the help, direct and indirect, of Pakistani officials, both military and civil.

9. As already stated, the raiders who entered the Kashmir Valley in October came mainly from the tribal areas to the north-west of Pakistan and, in order to reach Kashmir, passed through Pakistan territory. The raids along the south-west border of the State, which had preceded the invasion of the Valley proper, had actually been conducted from Pakistan territory, and Pakistan nationals had taken part in them. This process of transmission across Pakistan territory and utilisation of that territory as a base of operations against Jammu and Kashmir State continues. Recently, military operations against the western and south-

western borders of the State have been intensified, and the attackers consist of nationals of Pakistan as well as tribesmen. These invaders are armed with modern weapons, including mortars and medium machine-guns, wear the battle-dress of regular soldiers and, in recent engagements, have fought in regular battle formation and are using the tactics of modern warfare. Man-pack wireless sets are in regular use and even mark V mines have been employed. For their transport the invaders have all along used motor vehicles. They are undoubtedly being trained and to some extent led by regular officers of the Pakistan Army. Their rations and other supplies are obtained from Pakistan territory.

10. These facts point indisputably to the conclusion

- (a) that the invaders are allowed transit across Pakistan territory;
- (b) that they are allowed to use Pakistan territory as a base of operations;
- (c) that they include Pakistan nationals;
- (d) that they draw much of their military equipment, transportation, and supplies (including petrol) from Pakistan; and
- (e) that Pakistan officers are training, guiding, and otherwise actively helping them.

There is no source other than Pakistan from which they could obtain such quantities of modern equipment, training or guidance. More than once, the Government of India had asked the Pakistan Government to deny to the invaders facilities which constitute an act of aggression and hostility against India, but without any response. The last occasion on which this request was made was on 22nd December, when the Prime Minister of India handed over personally to the Prime Minister of Pakistan a letter in which the various forms of aid given by Pakistan to the invaders were briefly recounted and the Government of Pakistan were asked to put an end to such aid promptly; no reply to this letter has yet been received in spite of a telegraphic reminder sent on 26th December.

11. It should be clear from the foregoing recital that the Government of Pakistan are unwilling to stop the assistance in material and men which the invaders are receiving from Pakistan territory and from Pakistan nationals, including Pakistan Government personnel, both military and civil. This attitude is not only un-neutral, but constitutes active aggression against India, of which the State of Jammu and Kashmir forms a part.

12. The Government of India have exerted persuasion and exercised patience to bring about a change in the attitude of Pakistan. But they have failed, and are in consequence confronted with a situation in which their defence of Jammu and Kashmir State is hampered and their measures to drive the invaders from the territory of the State are greatly impeded by the support which the raiders derive from Pakistan. The invaders are still on the soil of Jammu and Kashmir and the inhabitants of the State are exposed to all the atrocities of which a barbarous foe is capable. The presence, in large numbers, of invaders in those portions of Pakistan territory which adjoin parts of Indian territory other than Jammu and

outstanding matters, but any speculations on the nature of the talks would do more harm than good. All that I can say at present is that discussions are being held and the Prime Minister and the Finance Minister of the Pakistan Government are staying on till Saturday. A detailed statement will be issued when the talks are concluded. Till then reports about any settlement on any individual item or issue between the two Governments must be regarded as premature and lacking authority."

The next morning my statement which was read at a meeting at Government House at which both the Prime Minister and the Finance Minister of Pakistan were present, that we would not regard the settlement of these issues as final unless agreement had been reached on all outstanding issues. I made it quite clear then that we would not agree to any payment until the Kashmir affair was settled. Accordingly, no announcement of the agreement was made. In the meantime, Pakistan representatives postponed their departure and talks on Kashmir and other matters were continued with rather varying results on different issues. Working in this somewhat improved atmosphere, we reached a settlement on all other outstanding issues relating to partition, and the informal agreement was reported to the Partition Council at its meeting on the 1st December, though they were to be reduced to writing later. This was completed on the 2nd December, but it was agreed even then not to make an announcement on the subject until after the Lahore discussions on Kashmir and other outstanding issues had been, as was then hoped, successfully concluded.

The position was further confirmed by the submission made on the 3rd December by both the parties before the Arbitral Tribunal that the prospects of all the references being settled were very good, that a further meeting was to be held on the 8th and 9th at Lahore and the situation would then be clearer. The discussions were resumed at Lahore on the 8th and 9th December. But in the meantime it was found that feverish attempts were being made by the Pakistan Government to secure the payment of Rs.55 crores which it had been agreed to allocate to Pakistan out of the cash balances. We resisted these attempts. Nevertheless, evidently in an attempt to isolate the issue and force our hands contrary to the understanding reached, the Pakistan High Commissioner on the 7th December gave a Press interview announcing the agreement reached on the financial issues. When, however, we stuck to our previous position and reiterated it during the Lahore discussion, though in deference to Pakistan's insistence on the announcement of the agreement on financial issues we agreed to make a short statement on the 9th December in the Legislature, which was then sitting in Delhi, the Pakistan Finance Minister showed also such indecent haste in rushing to the Press in this matter that he actually gave an interview on the subject on the 7th December itself. Pakistan's game was by then quite clear. Armed with this understanding on the question of public announcement by us of the agreement on financial issues, their attitude on the Kashmir [issue] stiffened and the prospect of agreement which seemed so near at Delhi receded. I then felt it necessary in my statement to the Assembly on 9th December to make it quite clear that the

implementation of this agreement was to be as far as possible simultaneous with the settlement of the Kashmir issue. The Pakistan Government did not take any exception to this statement at the time. In the subsequent detailed statement which I made on the 12th in the presence of the Pakistan High Commissioner, I again repeated that the successful implementation of this agreement depended on the continuation of goodwill, spirit of accommodation and conciliation on the other vital issues. Quite obviously Kashmir was one of such issues. Pakistan still made no protest. To all approaches for payment of the Rs.55 crores, we returned a negative answer. Then came the final talks on the Kashmir issue on the 22nd December. It was then for the first time during these discussions that the Pakistan Prime Minister took exception to our stand that the financial and Kashmir issues stood together as regards implementation and asked for immediate implementation of the payment of Rs.55 crores. We made it clear to him then and subsequently in our telegram dated the 30th December that we stood by the agreement but that in view of the hostile attitude of the Pakistan Government in regard to Kashmir the payment of the amount would have to be postponed in accordance with our stand throughout the negotiations.

Thus it is our case that far from our having done anything unfair to Pakistan or in breach of any agreement, it is the Pakistan representatives who were all the time trying to soft-pedal the Kashmir issue in order to secure concessions from us on the financial issues and to manoeuvre us into making an isolated public announcement on the subject without reference to other vital issues between the two Governments. We consistently and successfully resisted this despite attempt by the Pakistan High Commissioner and Finance Minister to force our hands. Far from there being bad faith on our part, we genuinely and sincerely meant this settlement as part of an overall settlement which would have been conducive to the maintenance of friendly and peaceful relations between the two sister Dominions.

It is also our claim that in agreeing to these terms of the financial settlement, we were actuated by generous sentiments towards Pakistan and a sincere desire, as I made clear in the Partition Council, "to see Pakistan grow into a prosperous neighbour". We hoped that Pakistan would reciprocate on other issues which unfortunately still divided us. That the financial settlement was attractive to Pakistan and would be a great asset to Pakistan's economy is clear from the statements issued by the Pakistan High Commissioner and Sir Archibald Rowlands (former Finance Member of Viceroy's Council). It is, therefore, quite plain that having secured terms which were essential to hold Pakistan's finances together, the Pakistan Government failed in their obligation to respond to India's gesture on other issues.

I would also point out that the Government of India took a more comprehensive view of our obligation to the securing of a just and peaceful settlement than the Pakistan Government. We realised throughout that neighbourly relations between ourselves and Pakistan could be restored and maintained only if the spirit of amity, tolerance and goodwill pervaded

throughout the entire field of controversy; the Pakistan Government obviously intended to take undue advantage of our generous attitude and exhibit these virtues in a narrow, restricted and selfish sphere. The need for a comprehensive view was and still is quite clear. Apart from other factors, India has taken over the entire debt of undivided India and depends on Pakistan's bona fides and goodwill to make equated payment by easy and long-term instalments of its debt to India after a four-year moratorium period. We cannot, therefore, afford to let conflicts endanger our credit and security and throw into the melting-pot some of the vital points in the financial agreement itself. Obviously, therefore, India must provide against strained relations worsening into open breach and thereby, as I was careful to point out in my statement of the 12th December, "placing all the good work achieved in jeopardy".

We are, therefore, fully justified in providing against Pakistan's possible continuance of aggressive actions in regard to Kashmir by postponing the implementation of the agreement. We have made it clear to the Pakistan Government more than once that we stand by the agreement which we reached. The agreement does not bind the Government of India to any fixed date for payment and we cannot reasonably be asked to make a payment of cash balances to Pakistan when an armed conflict with its forces is in progress and threatens to assume an even more dangerous character, which is likely to destroy the whole basis of the financial agreement and would endanger other parts of the agreement, such as arrangements for taking over of debt, and division of stores etc.

The Pakistan Finance Minister claims the amount of Rs.55 crores as belonging to Pakistan. He has apparently overlooked the fact that on the 14th August 1947, after the Partition Council had decided to allocate the working balance of Rs.20 crores to the Pakistan Government, the then undivided Government of India issued an order in the following terms to the Reserve Bank:

PLEASE TRANSFER TWENTY, HALF OF FORTY CRORES, FROM CENTRAL CLOSING CASH BALANCE ON THE 14TH INSTANT TO PAKISTAN AND BALANCE TO INDIAN DOMINION AS OPENING BALANCE ON THE 15TH

A copy of this telegram was endorsed to the Pakistan wing of the then Finance Department, and no objection was, or has been, raised to this accounting. It follows from this that so far as the bank accounts are concerned, there is no balance of the old undivided Government to be operated upon; the money stands in the name of the Indian Dominion and it is only on the authority of the Indian Dominion that any share can be allocated to the Government of Pakistan. The relevant portion of the Partition Council minutes also runs thus:

In addition to the 20 crores, already made over to Pakistan, 55 crores will be allocated to Pakistan in full and final settlement of its claim for a share of the undivided Government's cash balance and of the cash balance investment account.

It is clear, therefore, that nothing belongs to Pakistan until the Government of India transfer the amount to its account.

This clear-cut position makes the Pakistan Finance Minister's outburst against the Reserve Bank appear somewhat hysterical and rhetorical. The Reserve Bank cannot do anything without the specific instructions of the Government of India who are the only competent authority to operate the account. He has accused the Government of India of interfering in the discharge of its duties towards the Pakistan Government and has characterised this alleged interference not only as an unfriendly act, but as an act of aggression. I wish to say in the most emphatic terms that this accusation is completely baseless and devoid of any element of truth whatsoever. I understand that the Reserve Bank of India first received the demand for the payment of Rs.55 crores on the 6th of this month in a memorandum handed over to the Deputy Governor of the Reserve Bank at Karachi. I also understand that the Governor to whom this memorandum was telegraphed by the Deputy Governor has sent an appropriate reply. So far as the Government of India are concerned, I would say that when the Reserve Bank mentioned an approach by the Pakistan Government for temporary accommodation from the Bank, the Government of India made it clear to the Bank that it was a matter for the Bank alone to decide. Indeed, the Government of India have made every effort to avoid dragging the Reserve Bank into the controversy. The blame for attempting to force the Reserve Bank into taking sides must rest with the Pakistan Finance Minister. Neither the manner nor the nature of the attempt reflects creditably on the honesty of purpose and the motives of the Pakistan Government.

Gentlemen, I think I have said enough to prove how unfounded and insubstantial are the allegations made by the Pakistan Finance Minister against the Government of India. We have also shown how we have held consistently to the position that the settlement of the financial issues cannot be isolated from that of other vital issues and has to be implemented simultaneously. There can be no question of our repudiating the agreement reached. We only desire that the appropriate atmosphere conditioned by the agreement must be created for its implementation. If the Pakistan Government desires for payment of cash balance in advance, it is obvious that they are motivated by factors wholly opposed to the spirit underlying the agreement. We are thus fully justified in resisting these machinations which, if successful, would vitiate the very basis of the agreement and adversely affect, by facilitating Pakistan's aggressive designs on India, the implementation of other vital parts of the agreement.

5. *Government communique (as published in 'The Hindustan Times' dated 16 January 1948)*

The Government of India have fully clarified their position in regard to the

financial settlement arrived at between them and the Government of Pakistan. They have declared that they abide by that settlement, but that the implementation of it, in regard to the cash balances, must be considered as part of an overall settlement of outstanding questions in issue between India and Pakistan. They regret that the Finance Minister of the Pakistan Government should have advanced arguments which are unsupported by facts and which they cannot accept. The factual position has been clearly stated in the statements issued by the Deputy Prime Minister and the Finance Minister of the Government of India. The facts and arguments contained in these statements represent the deliberate and unanimous opinion of the Cabinet. They regret that the Finance Minister of the Pakistan Government should have again challenged these incontrovertible facts which justify fully the position taken up by the Government of India both on legal and other grounds.

The Government have, however, shared the world-wide anxiety over the fast undertaken by Gandhiji, the Father of the Nation. In common with him they have anxiously searched for ways and means to remove ill will, prejudice and suspicion which have poisoned the relations between India and Pakistan. Impelled by the earnest desire to help in every way open to them in the object which Gandhiji has at heart, the Government have sought for some tangible and striking contribution to the movement for ending the physical suffering of the nation's soul and to turn the nation's mind from the present distemper, bitterness and suspicion to constructive and creative effort. The Government are anxious to remove as far as possible, without detriment to the national good, every cause which leads to friction between India and Pakistan.

In view of the appeal made by Gandhiji to the nation, the Government have decided to remove the one cause of suspicion and friction between the two states which, consistently with national honour and interest, it is in their power to remove. They make this spontaneous gesture in the earnest hope that it will be appreciated in the spirit in which it is made and that it will help in producing an atmosphere of goodwill for which Gandhiji is suffering crucifixion of the flesh and thereby lead this great servant of the nation to end his fast and add still further to his unparalleled services to India.

The Government have decided to implement immediately the financial agreement with Pakistan in regard to the cash balances. The amount due to Pakistan on the basis of the agreement, i.e., Rs.55 crores, minus the expenditure incurred by the Government of India since August 15 on Pakistan account will, therefore, be paid to the Government of Pakistan.

The decision is the Government's contribution, to the best of its ability, to the non-violent and noble effort made by Gandhiji in accordance with the glorious traditions of this great country for peace and goodwill.

6. *Proceedings of a meeting of the West Bengal Congress Assembly Party held on 15 January 1948 (as published in the 'Amrita Bazar Patrika' dated 16 January 1948)*

The West Bengal Congress Assembly Party at its meeting held last evening (Thursday), after the session of the Assembly was over, accepted the resignation from the leadership of the Party by Dr. P.C. Ghosh and elected unanimously Dr. B.C. Roy as the new Leader of the Party.

Dr. Ghosh, who presided over the Party meeting, after the acceptance of his resignation withdrew with the leave of the House and was accompanied by Sri Annada Prosad Chaudhury, Finance Minister.

With the resignation of the Party leadership, the resignation of Premiership by Dr. Ghosh automatically followed.

Speculation was rife in lobby circles about the new Cabinet to be formed by Dr. B.C. Roy. Dr. Roy who is now in New Delhi is expected to return on Sunday next.

The Party meeting, it is understood, was held in a quiet atmosphere, unmarked by any personal bickering, the whole thing being conducted in a business-like manner.

The following is the full text of the resolutions passed unanimously by the Party meeting.

RESOLUTIONS

"The West Bengal Congress Assembly Party records its appreciation of the services rendered by Dr. P.C. Ghosh as its Leader and Premier of West Bengal during a period of great stress, strain and anxiety following the decision to partition Bengal and prays that he may be spared a long life devoted to the services of the country.

"Resolved that Dr. B.C. Roy be elected the Leader of the West Bengal Congress Assembly Party.

"Resolved that the resignation of other office-bearers and the members of the Executive Committee of the Party be accepted.

"Resolved also that till the election of other office-bearers and members of the Executive Committee of the Party the present Secretary and Chief Whip of the Party be requested to carry on their respective duties.

"Resolved that the Leader, Dr. B.C. Roy, do immediately meet the Party on his return from Delhi and discuss the policy regarding the special needs of the Province."

7. *Mahatma Gandhi's talk with Maj.-Gen. K.M. Cariappa* at New Delhi on 18 January 1948*

"I am going to Kashmir in a few days' time", the General said. Gandhiji

replied: "I hope you will succeed in solving the Kashmir problem non-violently. Come and see me after your return from Kashmir."

*Maj.-Gen. Cariappa had come to Delhi to take over charge of the Delhi and East Punjab Command under which operations in Jammu and Kashmir were conducted.

8. *Speech by Mahatma Gandhi, before breaking fast¹ at Birla House, New Delhi, on 18 January 1948*

Dr. Rajendra Prasad opened the proceedings by narrating to Gandhiji how they had all assembled on the previous night at the former's residence and after full discussion decided to sign the declaration² then and there. But as representatives of some organisations were not present in that meeting, they felt that they should not go to Gandhiji immediately with the signed document but wait till the remaining signatures were obtained. They had accordingly met again in the morning when all those who were absent during the previous night's meeting came and gave their signatures. It was found in the course of the morning meeting, Dr. Rajendra Prasad reported, that even those who had some lingering doubts on the previous night were now confident that they could ask Gandhiji with a full sense of their responsibility to break the fast. As the President of the Congress, Dr. Rajendra Prasad said that he had signed the document in view of the guarantee which they had all jointly and severally given. Khurshid, the Chief Commissioner, and Randhawa, Deputy Commissioner of Delhi, who were present had signed the document on behalf of the administration. It had been decided to set up a number of committees to implement the pledge. Dr. Rajendra Prasad hoped that Gandhiji would now terminate his fast.

Deshbandhu Gupta, speaking next, described some touching scenes of fraternisation between the Hindus and the Muslims which he had witnessed when a procession of about 150 Muslims was taken out that morning in Subzimandi and was received with ovation and offered fruit and refreshments by the Hindu inhabitants of that locality.

Gandhiji, replying, said:³

I am happy to hear what you have told me, but if you have overlooked one point all this will be worth nothing. If this declaration means that you will safeguard Delhi and whatever happens outside Delhi will be no concern of yours, you will be committing a grave error and it will be sheer foolishness on my part to break my fast. You must have seen the Press reports of the happenings in Allahabad; if not, look them up. I understand that the Rashtriya Swayamsevak Sangh and the Hindu Mahasabha are among the signatories to this declaration. It will amount to breach of faith on their part if they hold themselves responsible for peace in Delhi, but not

in other places. I have been observing that this sort of deception is being practised in the country these days on a large scale.

Delhi is the heart—the capital of India. The leaders from the whole of India have assembled here. Men had become beasts. But if those who have assembled here, who constitute the cream among men cannot make the whole of India understand that Hindus, Muslims and followers of other religions are like brothers, it bodes ill for both the Dominions. What will be the fate of India if we continue to quarrel with one another?⁴

I could not finish what I was saying as I was overcome by exhaustion. Let us take no step that may become a cause for repentance later on. The situation demands courage of the highest order from us. We have to consider whether or not we can accomplish what we are going to promise. If you are not confident of fulfilling your pledge, do not ask me to give up my fast. It is for you and the whole of India to translate it into reality. It may not be possible to realise it in a day. I do not possess the requisite strength for it. But I can assure you that till today our face was turned towards Satan, we have now resolved to turn towards God. If what I have told you fails to find an echo in your hearts or if you are convinced that it is beyond you, tell me so frankly.

What greater folly can there be than to claim that Hindustan is only for Hindus and Pakistan is for Muslims alone? The refugees here should realise that things in Pakistan will be set right by the example set in Delhi.

I am not one to be afraid of fasting. Time and again I have gone on fasts and if occasion arises I may again do so. Whatever therefore you do, do after careful thought and consideration.

The Muslim friends frequently meet me and assure me that peaceful atmosphere has been restored in Delhi and Hindus and Muslims can live in amity here. If these friends have any misgivings in their hearts and feel that today they have perforce to stay here—as they have nowhere else to go to—but ultimately they will have to part company, let them admit it to me frankly. To set things right in the whole of India and Pakistan is no doubt a herculean task. But I am an optimist. Once I resolve to do something I refuse to accept defeat. Today you assure me that Hindus and Muslims have become one but if Hindus continue to regard Muslims as *yavans* and *asuras*, incapable of realising God, and Muslims regard Hindus likewise, it will be the worst kind of blasphemy.

A Muslim friend presented me with a book in Patna. Its author is an eminent Muslim. The book says: "God ordains that a *kafir*—and a Hindu is a *kafir*—is worse than a poisonous creature. He should be exterminated. It is one's duty to be treacherous to him. Why should one treat him with any courtesy?" If Muslims still harbouring such thoughts assure Hindus about their good behaviour, they will only be deceiving Hindus. If you betray one you betray all.

If I truly worship a stone image I deceive no one. For me God resides in

that stone image. I feel that if the hearts of both Hindus and Muslims are full of deceit and treachery, why need I continue to live?

The telegrams I have received today include some from prominent Muslims. They have made me happy. It seems they have realised that the method adopted by them so far was not proper to run a government.

After listening to all that I have said, if you still ask me to end my fast I shall end it. Afterwards you have to release me. I had taken the vow to do or die in Delhi and now if I am able to achieve success here I shall go to Pakistan and try to make Muslims understand their folly. Whatever happens in other places, people in Delhi should maintain peace. The refugees here should realise that they have to welcome as brothers the Muslims returning from Pakistan to Delhi. The Muslim refugees in Pakistan are suffering acute hardships and so are the Hindu refugees here. Hindus have not learnt all the crafts of Muslim craftsmen. Therefore they had better return to India. There are good men as well as bad men in all the communities. Taking into consideration all these implications, if you ask me to break my fast I shall abide by your wish. India will virtually become a prison if the present conditions continue. It may be better that you allow me to continue my fast and if God wills it He will call me.

Maulana Abul Kalam Azad remarked that the remarks to which Gandhiji had referred were abhorrent to the teachings of Islam. They were only indicative of the insanity that had of late seized some sections of the people.

He was followed by Maulana Hifzur Rahman⁵ who categorically repudiated the allegation that his co-religionists did not regard India as their country. They all wanted to remain in India as citizens of India with self-respect and honour.... Describing next the change that had come over the city as a result of Gandhiji's fast, he said that they regarded it as a happy augury and a presage of things to come. He joined Dr. Rajendra Prasad in his appeal that Gandhiji should break the fast.

After Ganesh Datt had on behalf of the Hindu Mahasabha and the R.S.S. reiterated that appeal... Zaheed Hussain addressed a few words to Gandhiji. He was there, he said, to convey to Gandhiji how deeply concerned the people in Pakistan were about him and how they were daily inundating him with anxious inquiries about his [Gandhiji's] health. It was their hearts' desire that circumstances might soon prevail which would enable him to break the fast. If there was anything that he could fittingly do towards that end he was ready and so were the people of Pakistan.

Zaheed Hussain was followed by Khurshid and Randhawa who on behalf of the administration reiterated the assurance that all the conditions mentioned in the citizens' pledge would be duly implemented, and no effort would be spared to restore to the Indian capital its glorious old tradition of communal harmony and peace.

Sardar Harbans Singh endorsed the appeal on behalf of the Sikhs.

Rajendra Prasad again appealed, saying: "I have signed on behalf of the people, please break your fast." Gandhiji said: I shall break my fast. Let God's will prevail. You all be witness today.⁶

¹Over a hundred representatives of various groups and organisations in Delhi, including Hindu Mahasabha, Rashtriya Swayamsevak Sangh, Jamiat-ul-Ulema and others who had assembled earlier at Rajendra Prasad's residence, called on Gandhiji at 11.30 a.m. Prominent among others were Jawaharlal Nehru, Abul Kalam Azad, Rajendra Prasad, Shah Nawaz Khan, Hifzur Rahman and Zaheed Hussain, Pakistan's High Commissioner.

²The seven-point declaration written in Persian and Devanagiri scripts at Gandhiji's instance, read:

We wish to announce that it is our heart-felt desire that the Hindus, Muslims and Sikhs and members of the other communities should once again live in Delhi like brothers and in perfect amity and we take the pledge that we shall protect the life, property and faith of Muslims and that the incidents which have taken place in Delhi will not happen again.

We want to assure Gandhiji that the annual fair at Khwaja Qutub-ud-Din Mazar will be held this year as in the previous years.

Muslims will be able to move about in Subzimandi, Karol Bagh, Paharganj and other localities just as they could in the past.

The mosques which have been left by Muslims and which now are in the possession of Hindus and Sikhs will be returned. The areas which have been set apart for Muslims will not be forcibly occupied.

We shall not object to the return to Delhi of the Muslims who have migrated from here if they choose to come back and Muslims shall be able to carry on their business as before.

We assure that all these things will be done by our personal effort and not with the help of the police or military.

We request Mahatmaji to believe us and to give up his fast and continue to lead us as he has done hitherto.

³Gandhiji was so weak that his voice was hardly audible. Pyarelal and Sushila Nayyar repeated aloud his words.

⁴Here Gandhiji broke down due to exhaustion.

⁵Maulana Hifzur Rahman, along with Ahmed Saeed and Habib-ur-Rahman, represented the Muslims of Delhi.

⁶This was followed by recitations from the Hindu, Buddhist, Islamic and Parsi scriptures, and singing of a Christian hymn, a *bhajan* and *Ramdhun*. Abul Kalam Azad offered a glass of juice to Gandhiji.

9. *Speech by Mahatma Gandhi at a prayer meeting* in New Delhi on 18 January 1948*

Brothers and Sisters,

I have dictated a short message for today which Sushila will read out to you.

This is an auspicious day for me and it should be auspicious for you too. This is also the birthday of Guru Govind Singh. On this happy day I terminated the fast. The kindness I have received from the people of Delhi, including the refugees, and from the Government, I shall never forget. I experienced the same love in Calcutta. How can I at this moment forget the great work Shaheed Saheb did in Calcutta? Had he not been there I could not have stood up there for long. We had

quite a few suspicions concerning Shaheed Saheb and we still suspect him. But that should not concern us here. We must learn that however bad a man may be we must treat him as a friend and work with him. We must never under any circumstances treat anyone as an enemy. There is Shaheed Saheb and there are four crores of other Muslims. They are not all angels just as all the Hindus and Sikhs are not angels. There are amongst us good men as well as bad men. Only, bad men are fewer. We also have in our country what are called criminal tribes. We also have aborigines. We have to live with them in harmony. Muslims are a large community. They are not confined to this land but are spread all over the world. If we hope to be friends with the whole world, there is no reason why we should be enemies of the Muslims who are here. I am not a prophet but God has granted me the power of reason and a heart. My reason and my heart tell me that if for some reason or other we are unable to forge friendship between Hindus and Muslims, not only here but also in Pakistan and in the whole world, we shall not be able to keep India for long. It will pass into the hands of others and become a slave country again. Pakistan too will become a slave country and the freedom we have gained will be lost again.

Many people have showered blessings on me today. They have assured me that from now on Hindus, Sikhs and Muslims will live as brothers and under no conditions and on no provocation will the residents of Delhi, including the refugees, become enemies of each other. This is not a small thing. It means that from now on our endeavour will be to see that the people of Pakistan and India remain friends. Although India has been partitioned because of our weakness we must unite our hearts. If this is not the meaning of my breaking the fast, then I shall humbly say that you have not done a good thing in making me break the fast. The spirit behind the fast must be preserved. What happens in Delhi will happen in the whole of India. And what happens in India will happen in Pakistan. Have no doubt about it. Let no one be afraid, not even a child. So long, in my view, we were heading towards Satan. From now on I hope we shall begin to move towards God. But we must pledge that once we have turned our face towards God we shall never turn away. When that happens India and Pakistan will unitedly be able to serve the world and make the world nobler. I do not wish to live for any other purpose. A man lives only to raise humanity. The only duty of man is to move towards God. One may call Him by any name—God, Khuda or Satshri Akal, but if He is not enthroned in one's heart it is all delusion. He is one though called by different names. Then why should we forget Him and become one another's enemies?

I do not want to make a long speech. Let the Hindus take a pledge that they will not give themselves up to strife. I wish that Hindus should read the Koran as they read the *Bhagavadgita*. Let the Sikhs also do the same. I wish too that Muslim brothers and sisters should keep the *Granthsaheb* in their homes and try to follow its meaning. Let us uphold another's religion as we uphold our own. A good thing remains a good thing in whatever language it may be written. The Koran is the same to me as the *Gita* or the *Granthsaheb*. This has been my principle and

whether you believe it or not I have been following it. I tell you clearly that I do not offer worship to a stone, but I am a *Sanatani* Hindu. I do not hate those who worship a stone. God lives even in the stone. He who worships stone sees in it not stone but God. If you do not see God in stone, how can you say that the Koran is a divine scripture? Is this not idol worship? If you learn this we will also learn that there is no difference between Hindus, Sikhs and Muslims. All are brothers and must live together. Then the barbarities that are perpetrated today, like men and women being thrown out of trains, will cease. All will be able to live safely anywhere without fear. I shall never have peace so long as the refugees who have come here from Pakistan do not return to their homes and so long as the Muslims whom we have driven out and who want to return cannot come back and live here in peace.

That is all I have to say. May God grant good sense to us and to all everywhere in the world. May He awaken and draw us all to Him so that India and the world may be happy.

I embarked on the fast in the name of Truth whose familiar name is God. Without a living Truth God is nowhere. In the name of God we have indulged in lies, massacres of people, without caring whether they were innocent or guilty, men or women, children or infants. We have indulged in abductions, forcible conversions and we have done all this shamelessly. I am not aware if anybody has done these things in the name of Truth. With that same name on my lips I have broken the fast. The agony of our people was unbearable. Rashtrapati Dr. Rajendra Babu brought over a hundred people representing the Hindus, Muslims, Sikhs, representatives of the Hindu Mahasabha, the Rashtriya Swayamsevak Sangh and representatives of refugees from the Punjab, the Frontier Province and Sind. In this very representative company were present Zaheed Hussain, the High Commissioner for Pakistan, the Chief Commissioner of Delhi and the Deputy Commissioner, Gen. Shah Nawaz Khan, representing the Azad Hind Fauj (I.N.A.). Pandit Nehru, sitting like a statue, was of course there, as also Maulana Saheb. Dr. Rajendra Babu read out a document in Hindustani signed by these representatives, asking me not to put any further strain on them and to end the agony by breaking the fast. Telegrams after telegrams have come from Pakistan and the Indian Union urging me to do the same. I could not resist the counsel of all these friends. I could not disbelieve their pledge that, come what may, there would be complete friendship between the Hindus, Muslims, Sikhs, Christians, Parsis and Jews, a friendship not to be broken. To break that friendship would be to break the nation.

As I write, comforting telegrams are deluging me. How I wish that God will keep me fit enough and sane enough to render the service to humanity that lies in front of me! If the solemn pledge made today is fulfilled, I assure you that it will revive with redoubled force my intense wish and prayer before God that I should be enabled to live the full span of life doing service to humanity till the last moment. That span according to learned opinion is at least one hundred and twenty-five years, some say one hundred and thirty-three. The letter of my vow

has been fulfilled beyond expectation through the great goodwill of all the citizens of Delhi, including leaders of the Hindu Mahasabha and the Rashtriya Swayamsevak Sangh. The result could not be otherwise when I find that thousands of refugees and others have been fasting since yesterday. Signed assurances of heart-friendship have been pouring in upon me from thousands. Telegraphic blessings have come from all over the world. Can there be a better sign of God's hand in this act of mine? But beyond the letter of fulfilment of my solemn vow lies its spirit without which the letter killeth. The spirit of the vow is sincere friendship between the Hindus, Muslims and Sikhs of the Union and a similar friendship in Pakistan. If the first is assured, the second must follow, as sure as day follows night. If there is darkness in the Union, it would be folly to expect light in Pakistan. But if the night in the Union is dispelled beyond a shadow of doubt, it cannot be otherwise in Pakistan, nor are signs wanting in that direction. Numerous messages have come from Pakistan, not one of dissent. May God, who is truth, guide us as He visibly guided us during all these six days.

*In spite of a drizzle a huge gathering had assembled at the prayer meeting. Gandhiji, lying in bed, spoke in Hindi for about twenty minutes on the microphone.

10. *Minutes of the All-India Pacifist Conference held at Rasulia Settlement, Hoshangabad, Central Provinces, on 19 January 1948*

1. *Publicity.* A number of suggestions were made for achieving publicity for next year's pacifist meeting and for pacifist action in general. First, it was decided that a full report of the meeting at Rasulia, January 17 to 19, should be published, after careful editing. It should then be widely circulated to all our members and friends, with a covering letter indicating ways in which its contents can be used for further publicity. The following editorial board was appointed: S.K. George, Dr. Kalidas Nag, Dr. Amiya Chakravarty and Horace Alexander.

2. *Reports for periodicals.* It was suggested that members of the Conference and others might be asked to send reports and articles to the following among other papers: *Harijan* (J.C. Kumarappa and Horace Alexander), *The Guardian* (R.R. Keithan), *Aryan Path* (S.K. George and Mrs. Sophia Wadia), *Indian Social Reformer*, *Indian Journal of Social Welfare*, *Indian People* (of Bombay) (Hallam Tennyson), *The Hindu* (Marjorie Sykes), *Modern Review* (Amiya Chakravarty). It was thought that in some cases the editors themselves would write articles when they receive the printed report of the Conference. This would apply also to Hindi and other papers in the chief languages of India.

3. *Pamphlets on India's tradition of non-violence.* It was decided that, as part of the source material for next year's world meeting, two pamphlets were specially needed: one on India's age-long tradition of *Ahimsa* and *Satya*, the other on Gandhiji's reinterpretation of this tradition. The following were

suggested as authors: Dr. S. Radhakrishnan, Bharatan Kumarappa, G. Ramachandran, Prof. Nirmal Bose and Prof. M. Majeed.

4. *Gandhi Jayanti special numbers.* It was decided to approach editors of Gandhiji Birthday special numbers for next autumn, and suggest the publication of articles on Gandhiji and world peace.

5. *Reading list.* The need for sending all invitees to the world meeting not only some reports and pamphlets but also lists of recommended books was stressed.

6. *Education for peace.* Aryanayakam and R.M. Chetsingh were asked to arrange for the preparation of a pamphlet on education for peace.

7. *The religious inspiration for peace.* A pamphlet or booklet indicating the sources in the various scriptures and religious traditions from which Hindu, Muslim, Sikh, Parsi, Christian and other pacifists draw their inspiration was considered most desirable. R.M. Chetsingh, Charles Forman and others whom they may co-opt in the Delhi area were asked to make arrangements for a series of papers to form such a pamphlet.

8. *Pacifism in personal life.* It was felt that not enough time had been given to this fundamental problem. Accordingly, it was suggested that a letter be sent to all members and friends asking them to re-examine their own lives from this point of view. Such a letter should also suggest the need for forming Peace Groups in various districts. Such groups can strengthen one another in the effort to live lives that make for peace; at the same time they may be able to undertake some practical work in various fields, e.g., in relation to communal friction, to problems of aboriginal life, or other forms of exploitation and social injustice.

9. *Prayer for peace.* Gandhiji's suggestion that men and women throughout the world should spend at least five minutes a day, simultaneously, in prayer for peace, was carefully considered. It was resolved that we should issue an appeal commending this proposal, and also suggesting that those who cannot see their way to pray in this particular manner should nevertheless endeavour to intensify their own prayers for world peace and for purifying their hearts from all that makes for war and strife.

10. *Invitations to the World Meeting.* The proposed lists of invitees were reviewed. Further suggestions were made of possible invitees from America, Europe, the Far East, Australia, etc.

11. *Future of this Group.* After careful consideration, it was decided not to launch a new pacifist fellowship at the moment, but it was hoped that further consideration might be given to this subject during the meeting of constructive workers at Wardha on 3rd to 6th February; also the present committee in Calcutta will remain in being through the coming year, and it will continue to circulate its minutes and proposals to some fifty peace workers up and down the country. It was hoped, however, that further conferences of the character of the Rasulia meeting might be held from time to time; and both Sevagram and Tirupattur were mentioned as places where such meetings would be welcomed.

11. *A note on the shifting of the A.I.C.C. office to Delhi*

22 January 1948

The question of shifting the A.I.C.C. office has been engaging the attention of the General Secretaries and the Congress President for quite a year now. Delhi has become the centre of all important political activities and the President and the General Secretaries of the Congress have for one reason or another to pass a considerable proportion of their time in Delhi. The A.I.C.C. office cannot function effectively unless it is in continuous touch with Secretaries and the President and the latter, to be in continuous touch with men and affairs of moment, have to be in Delhi. The Central Government is there. The Provincial Ministers and important Congressmen from all Provinces have frequent occasions to be in Delhi. The A.I.C.C. office, if it continues to function in Allahabad in the changed conditions of today, would find itself increasingly out of touch with realities.

It is therefore the settled opinion of the President and General Secretaries that the office should shift to Delhi. Indeed the office would have by now shifted after obtaining the sanction of the Working Committee but for obvious and serious difficulties in the matter of accommodation. We have been trying for some time now to get suitable buildings for housing the office as well as the A.I.C.C. staff but we have not succeeded. All that we have been able to do is to make some kind of arrangement for some departments of the office which it was found necessary to shift to Delhi without further loss of time. The Working Committee has now to give thought to this matter and come to a final decision. If it is decided that the office should be shifted it should not take long for the decision to take effect. The Committee should take immediate steps for finding necessary accommodation both for the A.I.C.C. office, its library and the rest and the A.I.C.C. staff. It is not good for the A.I.C.C. office to function partly in Allahabad and partly in Delhi.

If we do shift to Delhi, the question arises as to what should be done to Swaraj Bhawan. We suggest that Swaraj Bhawan be turned into some kind of institution for research and studies in applied sociology. It might also be a training centre for workers in various fields: labour, peasant, constructive, Talimi Sangh, Kasturba, etc. If the Congress has to function effectively and in various fields it would be necessary for us to have trained and qualified workers in large numbers. Swaraj Bhawan for various reasons would be a fit place for these and kindred activities.

12. *The A.I.C.C. office note on the Report of the Constitution Committee*

22 January 1948

The Constitution Committee, appointed by the A.I.C.C., met in November in

Delhi and for three days in Bombay. All members were present except Shri Narendra Deva who, though in Bombay, could not attend the meeting due to a severe attack of Asthma. Shri Jayaprakash Narayan however was present at several sittings of the Committee and his opinions were obtained on all important matters that came up for consideration.

Among the important matters discussed by the Committee were: (1) Basis of membership; (2) Qualifications for voters and candidates to elective posts; (3) Term of membership; (4) States; (5) Congress jurisdiction; (6) Existence of parties within the Congress; (7) Affiliation and functional representation.

(1) What should be the basis of the primary membership of the Congress proved a difficult question to answer in view of the many conflicting considerations that needed to be taken into account. It was the unanimous opinion of the Committee that the present basis of membership should be abolished. Among the alternatives [was] adult franchise, i.e., those members who at a meeting or otherwise generally subscribed to the Congress creed were to be considered members. Adult franchise or any membership approaching it has its advantages and these appealed to the Committee. But the principal difficulty before the Committee was that if there was no paid membership of some kind there would be no funds for the whole hierarchy of Congress Committees to carry on their day-to-day work as also to carry out large organisational schemes which it would be necessary to undertake in the changed situation. . . . The Constitution Committee has therefore decided to keep paid membership but has greatly curtailed its voting rights so as largely to eliminate the corruption associated with it. An ordinary member of the Congress will have to pay a fee of Re. 1 for a period of three years. He can only vote in elections for primary Congress Committees in villages and wards of the cities. Only qualified members will be allowed to participate in elections to higher Committees. . . .

(2) *Qualifications for candidates and voters to elective offices.* The Committee gave considerable thought to this matter. It is vital for the successful functioning of our organisation that our committees are manned by right men and those who command some popular respect. The Committee in its earlier draft laid down that a qualified member should put in a certain number of hours' work in the constructive, parliamentary or organisational field or in any other field of national activity. The Committee at its last Bombay meeting however found that that would in practice prove to be too vague and general to be of any practical use. It would not serve the purpose of ensuring the selection of really active and earnest workers. The Committee has therefore dropped this condition. Now a qualified member has to be a habitual wearer of Khaddar for two years, subscribe to basic Congress policies, and is not a member of any other political party. . . .

(3) *Term of membership.* It is the unanimous opinion of the Committee that the term of all our committees should be three years instead one year as now. . . .

(4) *States.* The Committee has recommended that there should be regular Congress Committees in such States as wished to join the Congress. . . .

(5) *Pakistan*. The Committee is of opinion that the Congress organisation should not function in Pakistan. But Shri Surendra Mohan Ghosh was of opinion that the scrapping of Congress organisation in Pakistan would be a fatal blow to the growing movement especially in Bengal for reunion and would also be very unfair to the minorities who look to the Congress for protection. Shri Purushottamdas Tandon was also of the view that if any Province in Pakistan wanted to remain in the Congress it should be allowed to do so. The Congress should face the consequences in case the Central or Provincial Government made the Congress organisation illegal or otherwise made its working difficult. The Committee has suggested the following via media:

That where a Province in Pakistan chooses to have a Congress organisation, it shall be free to have it on the following conditions:

- (1) That the Congress in the Province concerned functions as an independent body: provided, however,
- (2) that it shall be competent for the Congress organisation so formed to send fraternal delegates (say, 100) to the Indian National Congress and in addition 15 fraternal delegates to the All India Congress Committee in accordance with the rules made in this behalf by the Congress organisation in the Province....

(6) *Existence of parties within the Congress*. The Committee strongly felt that for the Congress to be able to function as an effective, well-disciplined and homogeneous organisation it is necessary that there are no parties inside the Congress....

(7) *Affiliation and functional representation*. The Committee gave much thought to the question of functional representation on Congress Committees. While the Committee was generally of opinion that it would greatly strengthen and vitalise the Congress organisation if a fair proportion of members of Congress Committee were elected on a functional basis it was not clear how exactly this representation would work out.... The Committee is also of the opinion that it would help both the Congress as well as our constructive organisations such as the A.I.S.A., A.I.V.I. and Hindustani Talimi Sangh if the latter are represented on the A.I.C.C. and P.C.C.s.

13. *Speech by Mahatma Gandhi at a prayer meeting in New Delhi on 25 January 1948*

Brothers and Sisters,

People say that we have achieved heart-unity. I question both Muslims and Hindus and they all say that they have realised the futility of going on fighting with each other. I will not ask how many Muslims there are at this meeting. But I shall ask everyone to treat them as their brothers. If you meet any Muslim treat him as a brother and offer him a place to sit. For the last two days more people

have been coming to the prayer. If each one of them brings a Muslim with him it will be a great thing.

The Urs* will start from tomorrow at the Mehrauli shrine. This fair is an annual feature but this year we had destroyed the shrine. Even the stone lattice work was demolished. Now it has been repaired somewhat and the Urs will take place as usual. I do not know how many Muslims will go there but I know that formerly a large number of them visited the Urs and so did a large number of Hindus. I hope that this time too Hindus will go there with peaceful intent and reverent hearts. Let them not mock or malign the Muslims who will be going to the fair. The police of course will be there but these should be as few as possible; you should all act as policemen yourselves and make sure that everything functions smoothly. At any rate you have earned a good name. The newspapers feature it and I continue to receive letters and telegrams from all over the world. I am receiving communications from China and other parts of Asia and from America and Europe as well. All of them say that we have achieved here something very great, that they had been fearing that with the British having left the country we Indians being stupid and inexperienced in the ways of governing would destroy ourselves in a civil war.

I shall be leaving for Wardha on February 2. Rajendra Babu will accompany me. But I shall try to return to Delhi as soon as I can. The newspaper report that I shall be staying there for a month is not correct. I shall go to Wardha only if you will all bless me and assure me that you will not start fighting as soon as I leave. I shall later go to Pakistan also, but for that to be possible the Pakistan Government has to tell me that I can go and carry on my work there. Even if any one of the Provincial Governments of Pakistan invites me I shall go.

Whenever there is a meeting of the Congress Working Committee at which I am present I give you some idea of what is transacted there. Today there was a second meeting of the Congress Working Committee and many matters were discussed there. You may not be interested in everything that was taken up for discussion but one thing I may tell you. The Congress had decided some twenty years ago that there should be as many Provinces in the country as there are major languages. The Congress had also said that as soon as power came into its hands such linguistic Provinces would be formed. For that matter we have nine or ten Provinces even today—all under a central authority. If new Provinces are formed and they are all placed under the authority of Delhi there is no harm in it. But it will be very bad if they all want to be free and refuse to accept central authority. It should not be that Bombay then will have nothing to do with Maharashtra and Maharashtra with Karnataka and Karnataka with Andhra. Let all live as brothers. Moreover if linguistic Provinces are formed it will also give a fillip to the regional languages. It would be absurd to make Hindustani the medium of instruction in all the regions and it is still more absurd to use English for this purpose.

*A religious fair held annually at the shrine of Khwaja Syed Qutub-ud-Din Bakhtiar.

of race or creed or country? What can be the motive of this crime? Is it to save Hinduism? Is it to serve the Hindu Samaj? Is Hinduism saved that way? Is Hindu Samaj served that way? Search the innumerable pages of the chequered history of Hinduism and Hindu Samaj. You will find no other instance of such a foul and treacherous deed. It is an indelible black patch on that history which nothing will wash out.

We are sad. We are stunned. Must we need be despondent? The body will not be seen. The voice will not be heard. But has he not left us an invaluable heritage? Has he not given us enough of guidance and inspiration to lead us on and to sustain us in our onward march? In the face of this awful tragedy let his clarion call once more rouse us to our sense of duty. He made heroes out of clay. He made consummate use of indifferent instruments in the life-long struggle he carried on against injustice, against oppression, against slavery. India needs the same heroism, the same disregard of dangers, the same recklessness of consequences for establishing righteousness. Gandhiji has given away his life for it. Shall we not follow him after death as we did when he was walking on this earth?

This is no time for anger or retaliation. In Gandhiji's teaching there is never any time or room for either. What is needed is a firm determination to eradicate the narrow soul-killing sectarianism that has made the crime possible. Gandhiji's performances—political, social or economic—always had two facets: the negative and the positive or constructive. Ill will must be destroyed so that good will may take its place. Communal distrust and discord must disappear and harmony and concord should be established. This was his last wish. We must and shall fulfil it.

18. *Minutes of a meeting of the Executive Committee of the World Pacifist Meeting held at 1 Upper Wood Street, Calcutta, on 9 February 1948*

Present: Mrs. Gladys Elphick, Srimati Sujata Ray, Sri Bhagirath Kanoria, Swami Nityaswarupananda, Dr. Kalidas Nag, Sri B.S. Nahar, Dr. W.H. Hume, Dr. Amiya Chakravarty, Maulvi Abdur Rahman, Horace Alexander, Sri Chotalal Jain and Hiralal Bose.

The meeting began with an offering of silent prayer to the memory of Mahatma Gandhi. It was resolved that the sense of sorrow and loss on the part of this Committee at the assassination of Gandhiji should be conveyed to Sri Devadas Gandhi and Pandit Nehru as head of the Government.

An apology for absence was received from Srimati Renuka Ray. A message was also read from her.

The minutes of the last meeting and the All-India Pacifist Conference were confirmed.

(1) *World Pacifist Meeting, 1949.* Originally this meeting was intended

specially to afford an opportunity for a group of men and women from the different parts of the world to spend a week with Gandhiji and a few of his associates. Owing to his sudden death, the whole plan for the meeting was reconsidered. Since Gandhiji was no more, was it still worth while to arrange the meeting, and even if it was arranged would the invitees from overseas be still interested in such a meeting and come to India to take part in it? While admitting that the meeting with Gandhiji would have been a different thing, the Committee was deeply convinced that because he is no more it was all the more necessary to hold the meeting; for an added responsibility rests on us for giving effect to the concern that we have shared with him to make the witness of pacifism and non-violence more effective to the world. Gandhiji wanted that meeting to take place and gave much thought to it, so the Committee felt that to go forward with the plans of the meeting would be the continuance of his unfinished work, as it were. And it was hoped that the invitees would feel the same and would come and join the meeting, sharing their thoughts and experiences with men and women from all the world over, including a group of close associates of Gandhiji. It was felt, however, that plans made for the meeting may need to be slightly modified. In particular, after the meeting in Santiniketan, arrangements might be made for overseas visitors to visit Sevagram and other centres of constructive work. A covering letter, the draft of which was approved by the Committee, should be attached with the original letter of invitation as approved by Gandhiji.

The letters of invitation should be sent in bulk to the Friends Committees in England and the U.S.A., who would transmit them to the respective invitees. As it is probable that a certain percentage of invitees may be prevented from attending at the last moment, the Committees overseas were empowered to add such additional names as they think appropriate.

The Committee was very glad to hear that Horace Alexander is expected to be in Europe in March when he would try to personally contact some of the invitees and discuss plans for the meeting; also that Amiya Chakravarty might be able to discuss it in the U.S.A.

(2) *Invitation Committee.* The following persons should be invited to join the Invitation Committee: Babu Rajendra Prasad, Acharya J.B. Kripalani, Sri A.V. Thakkar, Sri Vinoba Bhave, Sri G. Ramachandran, Sri Minoo Masani, Sri Pyarelal, Dr. Sushila Nayyar, Miraben, Sri Aryanayakam, Srimati Asha Devi, Sri S.K. George, Prof. Nirmal Bose, Syed Nausher Ali, Khan Abdus Samad Khan, Srimati Malati Choudhuri.

(3) *Matters arising from the All-India Pacifist Conference:* (i) *Publicity.* Reported that the chronological report of the Conference has been circulated to members of the board of editors. Horace Alexander is expected to be at Santiniketan for a week when he and S.K. George would try to edit the report and then circulate it to other members. The pamphlet should be of about 24 pages, and 2,000 copies should be printed. A Hindustani edition should also be published. Sri B.S. Nahar kindly offered to translate it into Hindustani. If considered necessary, the pamphlet should be translated in other vernaculars also.

(ii) *Reports for periodicals.* In addition to those already listed, reports and articles should be sent to other vernacular periodicals, particularly those read by larger sections of Muslims. The following should be requested to contribute articles: Srimati Sujata Ray (for *Bangasri*) and Srimati Renuka Ray (*Roshni*, representing A.I.W.C.).

(iii) *Pamphlets on India's tradition of non-violence.* The proposed writers should be given a choice to write on either of the two pamphlets, namely, (1) India's age-long tradition of *Ahimsa* and *Satya*, (2) Gandhiji's reinterpretation of this tradition.

(iv) *Gandhi Jayanti special numbers.* It was expected that many leading daily newspapers would bring out special numbers on the occasion of Gandhiji's birthday next October. The editors of such papers should be approached to publish articles on Gandhiji and World Peace.

(v) *Reading list.* In addition to the sending of a list of recommended books a selection of 6 books on Gandhiji and non-violence should be sent to the invitees as gifts.

(vi) *Education for peace.* Sri Aryanayakam should be asked to arrange for the preparation of a pamphlet on education for peace.

(vii) *The religious inspiration for peace.* A letter was read from Ranjit Chetsingh and it was agreed that the articles representing the different religious viewpoints should be of 2,000 to 2,500 words each. The pamphlet should be of about 48 pages.

(viii) *Pacifism in personal life.* The Committee felt that this problem has now come to us with renewed force, and utmost consideration should be given to it by all peace workers. The suggested letter should be sent out.

(ix) *Prayer for peace.* The Committee thought that 5 p.m. would be a more suitable time for prayer in India, especially in view of the fact that it was about this time that Gandhiji used to hold his prayer meetings and, again, his life was also taken away about this time, thus making the hour more significant. Letters regarding this prayer should be sent to peace workers in India and overseas. An appeal should be sent to the Press and also a statement about the next year's meeting.

(x) *Finance.* It was felt that the changed circumstances would not present any extra difficulty in raising the necessary funds. A Finance Sub-Committee was appointed with the following who were asked to prepare a budget: Sri Bhagirath Kanoria, Sri Chotalal Jain and Hiralal Bose.

(Draft Letter of Invitation to World Pacifist Meeting, as approved by Gandhiji)

Dear Friend,

We very cordially invite you to take part in a meeting in India in the winter 1948-49 of men and women who are dedicating their lives to work for the peace of the world. It is intended to hold the main meetings at Santiniketan in the second week of January 1949. M.K. Gandhi, though not among the signatories of this

invitation, is in full accord with the purpose of those who are planning the meeting and intends to be present. The authorities at Santiniketan are willing to make the necessary arrangements for the meeting, which they consider to be in line with the life-work of the founder, Rabindranath Tagore, and of his beloved friend and colleague, the late C.F. Andrews.

The first initiative for this meeting came from members of the Society of Friends (Quakers) in England. Impressed by the need for resisting the mighty forces of military power and domination and fear, which threaten to destroy humanity, they saw that nothing less than a mobilisation of the powers of the spirit of man, directed by the spirit of God, was needed. They therefore suggested that a group of men and women from all the continents should meet in India, to have searching discussions and intimate conference with M.K. Gandhi, who has stood for the renunciation of force and the principle of non-violence throughout his career. When this plan was mooted, it was found that groups in India and America were thinking along similar lines.

It is intended that the central conference or meeting shall be a small gathering of some fifty persons, with a minimum of settled agenda, and shall continue for about a week. It is hoped that men and women who have passed through the fires of suffering and persecution for their pacifist faith, in Europe and elsewhere, can share their experiences, and the faith born out of these experiences, so that the pure streams of pacifist witness, whether coming out of the tradition of the West or of the East, may flow together to form a river of life that can do all that may be possible towards saving the world from its present distresses.

We believe that you can make an important contribution to such a meeting, and we therefore beg you to spend part of next winter in India. Although the main conference will be private and informal, we hope the visitors who come can stay long enough in India to take part in some public meetings in Indian cities, and to make contact with many other individuals and groups, beyond the few who will be associated with M.K. Gandhi in the central meeting.

We do not suggest that such a conference will lead to immediate tangible results in the political world. What we trust is that it may generate new spiritual power in the world, and spread new faith and assurance in men's capacity and destiny to live as one family under heaven.

Funds are being raised in India, America and England to pay the expenses of those who are able to attend. Please regard this invitation as involving a promise to cover the expenses both coming and going and in India. We cannot offer luxury travel, but we hope that you will travel in reasonable comfort. Kindly let us know as soon as possible whether you are able to accept, what date you expect to leave home, how long you can stay in India, and what help you will need from us in connection with the journey. All correspondence should be addressed to:

The Secretary
World Pacifist Meeting
1 Upper Wood Street
Calcutta, India.

19. *Press statement by Jawaharlal Nehru on erection of memorials to Mahatma Gandhi*

New Delhi
25 February 1948

Every part of India is naturally desirous of erecting some memorial to Mahatma Gandhi. Provincial Governments, State Governments, Municipalities and Local Boards, other public bodies and private individuals are all eager to erect their own memorials. Proposals have been made for all kinds of structures, from temples to statues. In a recent statement Sardar Patel said that he deplored with all the emphasis at his command the many attempts that were being made to raise temples or erect memorials which would savour of idolatry. This would have surely displeased Gandhiji and indeed he had often expressed his views on such matters in forcible language.

It seems obvious that the most suitable memorial is to follow his great teachings and to organise work in order to further his constructive ideas in the development of the nation.

Nevertheless it is perhaps inevitable that some statues might be put up. If so, the greatest care should be taken that only real works of art are permitted. Unfortunately the standard in India of such statuary has been low and most people are satisfied with anything that bears a remote resemblance to the persons concerned. Our cities and public places are full of unsightly structures which cannot by any stretch of imagination be called artistic or pleasing to the sight. I have been shocked on many occasions at seeing these totally inadequate efforts. I should like to warn most earnestly those who are thinking in terms of having statues not to make any hasty decisions and to await a full consideration of this question by the National Memorial Committee under the chairmanship of Congress President.

Forwarded to Dr. Rajendra Prasad for information.

M.O. Mathai
25.2.48

20. *A letter from Dr. Rajendra Prasad to Valmiki Choudhary*

वर्धा
19-3-48

प्रिय वाल्मीकि—आशीर्वाद!

इसके साथ बच्चों के लिए एक पत्र और चेक भेज रहा हूँ। पत्र बच्चों को दे देना और अरुण का हाल लिखना—कृष्ण चिन्ता है। इस बार होली नहीं मनाना है—मगर बच्चों को कपड़े वगैरह जो वह चाहें और

जरूरी हो दे देना। होली के दिन कोई उत्सव नहीं होना चाहिए।

मेरी तबीयत बिल्कुल ठीक अभी नहीं है। कुछ दम्मा है, पर उम्मीद है कि जल्द ठीक हो जाएगी। डा० सिन्हा के लिए भी पत्र है उसे भेजवा देना अभी मेरे लौटने का निश्चय नहीं है। पर इस महीने में तो कोई सम्भावना नहीं है। वहां सब चीजों और बातों का सम्भाल रखना—पत्र लिखना और सब आनन्द है।
राजेन्द्र प्रसाद

सुना है वहां अब बाजार में चावल गेहूं वगैरह कानूनी तौर पर जो जितना चाहे ले सकता है। चीज भी अच्छी मिलती है मगर कुछ महंगी। रेशन सिर्फ इसलिए है कि रेशन के मुताबिक सरकारी दाम पर जरूर मिलेगा। अगर अब खुले बाजार में सब चीजें मिलने लगी तो बहुत सुविधा होगा। इस बारे में लिखना।
रा.प्र.

नोट: गाँधीजी की मृत्यु के कारण होली नहीं मनायी है।

21. *Message from Dr. Rajendra Prasad on the death anniversary of Prof. Abdul Bari (published in 'Mazdur Avaz')*

Wardha

22 March 1948

I came to know Prof. Abdul Bari for the first time early in 1921 when he joined the Bihar National College, which was then started under Mahatma Gandhi's inspiration, as a Professor. He had just then come out of the university with a creditable degree and had all the avenues of material and worldly preferment which are combined in a man of intelligence, ability and grit. But he chose a life of sacrifice and service and stuck to his choice till the last moments of his life which came to a tragic end just a year ago. During this long period of 26 years that it was my privilege to have him as a co-worker my admiration for his sacrifice, for his sturdy patriotism and for his unbending nationalism grew more and more. I know there were occasions in his life when he and his family suffered terribly but he bore it all with cheerfulness and never for a second allowed his mind to regret the choice which he had made early in his life. His interest in the welfare of a labouring population was intense and genuine and he stood for their rights in the midst of all difficulties and temptations. He was above all temptations, and even those who differed from him and did not like his somewhat rough exterior admired his sacrifice, his honesty of purpose, and his incorruptibility. I use the word incorruptibility in a comprehensive sense. He never yielded to any temptation for his preferment in any sphere of his life. His life is full of lessons for those who wish to serve and have any ambitions of their own. His death is a severe blow to me personally as I lost in him a friend and a co-worker on whom I

could rely in times of difficulty and who would never spare himself if duty called. The work which he has done and the mark he has left specially in the labour field ought to serve as inspiration to all those and I hope those who are now carrying on the difficult work in the midst of great difficulties will draw inspiration and drive from his example.

Rajendra Prasad

22. A letter from Dr. Rajendra Prasad to Valmiki Choudhary

वजाजवाड़ी

वर्षा

26-3-48

चि० वाल्मीकि—आशीर्वाद!

तुम्हारा पत्र मिला। आनन्द हुआ। हमसे बातों बात जो दिल्ली के लोग आये थे उन्होंने कहा कि अब बाजार में सब कुछ खुले आम मिलता है। इसलिए लिखा था। इन्तजाम जो मुनासिब हो करना। बच्चों को अब जव की रोटी न खानी चाहिए जव चावल और गेहूँ मिल सकता है।

लड़कियों के संबंध में वहाँ आने पर सलाह करके जो कुछ ठीक सोचा जायगा किया जायगा। जब तक मैं उनको लिख रहा हूँ कि कुछ खाने पीने का बनाना भी सीखते रहें और जो बड़ी हो गयी है वह कुछ न कुछ बनाया करें। इसके अलावा उनको घर का हिसाब किताब लिखना भी सीख लेना चाहिए। इसलिए उनसे कुछ हिसाब किताब सिखाने का काम लेना। मैं जव आऊंगा तो देखूंगा। तुम अपना हिसाब बगैर रह तो अपने तरह से ठीक रखना। उसे भी आकर देखूंगा, पर उनको अभ्यास के लिए कुछ काम देते रहना चाहिए और देखना चाहिए। उसे भी आकर देखूंगा।

हमारी तबीयत अब अच्छी है। आशा है कि ता: 17/4 तक वहाँ वापस आऊँ। डाक्टर सिन्हा का पत्र आया है। तुमसे और रामराज से बहुत खुश है। यह जानकर प्रसन्नता हुई।

और सब आनन्द है।

राजेन्द्र प्रसाद

23. A note by Sadiq Ali, Permanent Secretary, A.I.C.C., on the transfer of the A.I.C.C. office to Delhi

20th April 1948

The A.I.C.C. office in accordance with the decision of the Working Committee at its last meeting shifted itself to Delhi towards the closing week of March. The office has been functioning here since then. While the office is comfortably

enough housed in 7 Jantar Mantar Road the accommodation of the staff and their families is a problem which is causing us anxiety. For the present no families have been brought here and the members of the staff are accommodated in some rooms of the 7 Jantar Mantar. Soon we shall have to do something for the accommodation of the families. If on a careful consideration of all aspects of the matter we decide to construct cheap but decent quarters ourselves, there are difficulties with regard to site, land and building material which it is not easy to overcome. The present approximate rent of the house is Rs. 1,500. If we buy off the 7 Jantar Mantar it would cost us about 6 lacs.

The Working Committee has to decide about Swaraj Bhawan. According to the Deed of Trust Swaraj Bhawan may be used for the "benefit of the Indian people in the advancement of knowledge, health, social and economic well-being, and, especially with the object of promoting unity among all classes and creeds of the Indian people, raising the status of Indian women and the elevation and betterment in all respects of the suppressed classes in India and Indian workers and peasants and the promotion of social equality among all the peoples and classes of India". The Board of Management (the Trustees) has "complete and absolutely unfettered discretion to use the said property in such manner as they think fit for the purpose of carrying out the objects specified above and more particularly may use the said property for the purpose of locating a hospital and also for the purpose of locating the general headquarters of the Indian National Congress. The Board of Management shall, however, act in accordance with the general policy of the Working Committee of the Indian National Congress in relation to charitable objects mentioned above."

The Board of Management originally consisted of (1) Dr. Ansari, (2) Shrimati Perin Bai Captain, (3) Seth Jamnalal Bajaj, (4) Dr. Bidhan Chandra Roy, and (5) Jawaharlalji. In the vacancy caused by the death of Seth Jamnalalji the Working Committee nominated Maulana Abul Kalam Azad. The President and working Secretary of the Congress are co-opted members of this Committee. The object for which Swaraj Bhawan may now be used has to be decided by this Board of Management but it would be well if the Working Committee helped the Board with its considered advice. It has been suggested to us that Swaraj Bhawan may very fittingly be used now for publishing the writings of Gandhiji in all languages and furthering in some form the constructive programme of Gandhiji.

The shifting of the office to Delhi has necessitated the revision of the scale of salary and allowances for the A.I.C.C. staff. It appears that the cost of living in Delhi, more particularly accommodation, is almost the double of what we found in Allahabad. The Working Committee sanctioned the present scale in a meeting at Wardha in 1946. It has to reconsider the matter and sanction the new scale.

24. *A letter from J.C. Gupta, M.L.A., West Bengal, requesting a newspaper to publish his correspondence with Dr. Bidhan Chandra Roy*

23 Circus Avenue

Calcutta

29th April 1948

Dear Sir,

A controversy over the requisition for a reconstitution of Ministry is being carried on in many newspapers.

The Congress Assembly Party is the proper venue for the discussion and until these are discussed in the Party meeting it is not permissible to discuss in public or in newspapers.

But Dr. Roy has unfortunately thought fit to make statements in Press Conference instead of calling immediately a Party meeting. Press reporters have naturally been interviewing and interrogating members of the Assembly Party.

Not being actively associated with any group in Bengal politics and as I am known not to be an aspirant for ministership, different groups in the Assembly from time to time have taken me into their confidence. I could gather their views which I communicated to Dr. Roy. The enclosed correspondence would show what efforts I have made for ensuring stability of the Ministry by pointing out to Dr. Roy the wishes of the majority of the Party.

I shall be obliged if you publish the correspondence in your esteemed journal. These contain the main reasons for disaffection in the Party, namely, (1) persistent refusal to call Party meeting; (2) inclusion of non-Congress outsiders as Ministers; (3) proposal to High Command for dissolution of the Assembly behind the back of the Party; (4) non-adoption of Party constitution; (5) refusal to adopt safeguards to prevent corruption and nepotism.

Let me hope you will help the Party to dispassionately consider the issues affecting the interests of the people of the Province and to promote Congress cause and ideals. There is no place in an important matter like this of individual likes or dislikes.

I remain,
Yours faithfully,
J.C. Gupta, M.L.A.

The Editor.....

Enclosures not included.

25. *An article by Dr. Sachchidananda Sinha*

A FURTHER APPEAL TO BIHAR CONGRESSMEN

Some weeks back on coming to know of a censure motion having been tabled

Mr. P. R. Das—who has lived amongst us for over thirty long years as a respected citizen, and with whose dire misfortune in the loss by accident of his only son, all Biharees deeply sympathise—had also cast in his lot with the agitators in West Bengal in favour of the disruption of the integrity of Bihar. I wonder if Bihar Congressmen, who are indulging in the pastime of tabling censure resolutions, are sufficiently alive to the situation as it is, and as it is threatening to become in the near future. Let them not forget that if there will be no Province of Bihar, either as a result of internal disintegration or external aggression, there *shall* be, in the nature of things, no such organisation as a Bihar Provincial Congress Committee, or a Bihar Ministry, in existence, to be the subject of attack or censure.

III

The result of my last appeal was that the party which had given notice of a motion of censure against the Bihar Ministry had withdrawn it unconditionally. In their letter of withdrawal they not only mentioned that they had been advised to do so by the members of the Co-ordination Committee (viz., Sri Jut Satyanarayan Sinha and Sri Jut Phulan Prasad Varma) but they also did me the honour to mention as one whose advice had influenced their decision. After that withdrawal, I naturally expected that the other party (which had tabled the resolution against the President of the Congress Committee) would also formally withdraw their motion of censure; but in this respect I have been profoundly disappointed, as, far from withdrawing their motion, members of this particular party had repeatedly affirmed their intention to press their motion, and insisted on a meeting of the Provincial Congress Committee being called at an early date. The Secretary of the Provincial Congress Committee had accordingly issued a statement that the President of the Committee, after consulting the members of the Working Committee with whom the responsibility rests under the rules for convening a session of the Provincial Committee and for preparing its agenda, will fix a date as early as possible. I have no doubt the date will soon be announced, after the Secretary's declaration quoted above.

And so, much as all sensible people may dislike it, at last "the fat is in the fire", as the saying goes. One may expect, therefore, at the next meeting of the Provincial Congress Committee, much washing of dirty linens to the great joy of the enemies of the Congress. Much dirty linens had been washed almost daily, of late, before the gaze of the world by the indulgence in recrimination and counter-recrimination by the leaders of the Dominions of India and Pakistan, before the U.N.O. Security Council in America, in connection with the invasion of Kashmir by the raiders. But it would be seen that a section of Congressmen in Bihar are not yet satisfied with the exposure of our weaknesses already displayed in the so-called discussions in America, but are anxious that even the dirtier linen of Bihar be washed for the edification of humanity. I feel that a very large section of Congressmen, not only in Bihar but throughout India, will support my view that

the persistence of this particular section of Congressmen in Bihar, in their desire to censure the President and the Working Committee of the Bihar Congressmen, would prove disastrous to Congress interests throughout the Indian Dominion, and not only in the Province of Bihar.

IV

What is happening in Bihar is already known to the Congress leaders of India. On the 26th January, addressing a public meeting at Patna, Sardar Patel dealt with this very subject in the following scathing terms:

The party rivalry in Bihar Congress made me hang down my head in shame, when I came to know that a section of Congressmen had brought a no-confidence motion against the B.P.C.C. President, and his Working Committee, and another section (as a counterblast to it) had brought a no-confidence resolution against the Congress Ministry. I wonder whether these two parties realised or visualised whither they were going. All this showed that their house was not in order. I wonder whether we all suffered and sacrificed to bring about only such a state of affairs.

These are the words of Sardar Patel, as reported in the Press. Dealing with the question of what had come to be known as the 'Molasses Scandal', the Sardar concluded his remarks on it with the caustic observation: "This episode has blackened the name of Bihar", and he rightly insisted that this matter should be thoroughly investigated and not hushed or suppressed.

But the 'Molasses Scandal' is not all. We read in an editorial in the *Searchlight*, of the 28th January, as follows, on the present situation in the Province of Bihar which invokes so often the names of Chandragupta and Asoka:

No less than five murders in connection with the prevailing elections to the Patna District Board—this is an appalling record which all interested in purity and progress of public life would do well to take note of. Political complexions have now vanished. The naked dance of casteism proceeds apace attended by violence degenerating into murders. This is a sorry spectacle. What is happening in Patna might well happen elsewhere. The heaviest responsibility rests on Congressmen. Will they assert themselves in the right way?

If this be the position in the dry tree of District Board elections, who can guarantee that there will be no display of force for capturing power at the next meeting of the Bihar Congress Committee?

It is not for me to answer the question put by the *Searchlight* to Bihar Congressmen, in general; I can but speak for myself and I say that Sardar Patel

uttered the veriest truth when (in the course of his speech at Patna from which I have already quoted some passages) delivered himself of the sentiments which I quote below:

When we fought for independence against British Government there was a moral atmosphere of sacrifice, unity, and organisation. But with the achievement of independence that moral atmosphere is gone, and with it the spirit of selfless service and sacrifice also. And in its place a spirit of grabbing for share in power was prevalent everywhere. In this atmosphere if they could proceed along the right track everything might be saved; otherwise, all would be lost very soon.

These words of wisdom I commend to all Congressmen. I hope, I have said enough to convince the protagonists of the censure motion against the Congress President and his Working Committee that their persistence in the course they propose to adopt is wholly on wrong lines, and I hope they will even now—at this late stage—see the error of their ways, and withdraw their resolution formally before the next meeting of the Provincial Congress Committee is convened by the President.

I have only one word more to say, and it is this. The censure motion sent in is not only against the President of the Provincial Congress Committee, but also against the Working Committee. I do not know the names of all the members of the Working Committee, but I do know that amongst its prominent members are the Hon'ble the Prime Minister, the Hon'ble the Finance Minister, the Hon'ble the Irrigation Minister, the Chief Whip of the Congress Party in the Dominion Parliament, and two Parliamentary Secretaries. So, the resolution, if carried, will, apart from producing other results, amount to a vote of censure, not only against the President but against three members of the Ministry as well. I wonder if the sponsors of the said resolution have ever considered this aspect of the matter seriously. Obviously they have not, for if their resolution be carried, and if Parliamentary usages and practice are to be respected in Bihar, by the Congress President and the Working Committee, it will amount to as much a vote of censure against the President of the Committee as against three of the most important members of the Ministry, and the Chief Whip of the Dominion Parliament. I very much doubt if this is the object which the sponsors of the resolution aimed at when they sent in their resolution. On all these grounds I make to them once again this further appeal to withdraw their motion formally, and to work on the lines suggested by no other person than the distinguished leader of the Congress, the Deputy Prime Minister of the country, namely, Sardar Patel, whose words should certainly carry weight and conviction not only with Congressmen, but also with all other nationalists.

26. Extracts from certain documents

I. RESOLUTION PASSED AT THE ALL-INDIA STATES PEOPLE'S CONFERENCE
(LUDHIANA, FEBRUARY 1939)

Resolution No. 6—Amalgamation of smaller States: It is the considered opinion of the Conference that only those States which have a population exceeding 20 lakhs souls or revenue exceeding 50 lakhs of rupees can maintain the standard of administration necessary and suitable for being workable units for the purpose of uniting with the Provinces in a scheme of a Free and Federated India and, therefore, all States not coming within the above category should be amalgamated, either singly or by groups, with the neighbouring Provinces for the purpose of administration, with suitable provisions for the reasonable rights and privileges of the Rulers concerned, and this Conference, therefore, requests the National Congress to appoint a Committee of Enquiry for the purpose of finding ways and means to facilitate such an amalgamation.

* * * *

II. RECOMMENDATIONS OF THE ORISSA STATES ENQUIRY COMMITTEE
(18TH JULY 1939)

* * * *

The Committee recommends that, in view of the inherent inability of the Orissa States to support popular enlightened administrations within their areas and in view of the inevitability of a strong and irresistible popular demand from the people of these States for rights of self-government and self-determination, *the Sanads granted to the Rulers of the States by the Paramount Power should be cancelled and they may be treated as landlords of permanently settled Estates such as Aul, Kujang and Kanika.* That this could be done without doing any violence to the rights of these Chiefs will be clear from a perusal of the examination of their original status appearing in the foregoing pages. The acceptance of this recommendation will bring these Estates under the jurisdiction of the Autonomous Provinces and the people concerned will be enabled to join hands with their brethren in the Province of Orissa in their attempts to solve the problems common to them all.

Pending the cancellation of Sanads the Committee makes the following minimum recommendations which are absolutely necessary in the interest of peace both in the States and in the Provinces.

1. The Governor in the Ministry of the Province of Orissa may be vested with the powers now exercised by the Resident, i.e., the power of tendering advice to the Rulers of the States under the terms of the Sanads.

2. The following minima which Gandhiji expects from the Rulers may be immediately given effect to:

Full civil liberty so long as it is not used to promote violence directly or indirectly. It includes freedom of the Press, and freedom to receive newspapers which do not promote violence.

Freedom to all people of the States to form associations to educate public opinion.

Freedom for Indians outside particular States to enter them without let or hindrance so long as their activities are not directed towards the destruction of the States in question.

Privy purse should be limited so as not to exceed one-tenth of the income where it ranges between Rs.10 and 15 lakhs per year and should include the private expense of the Ruler, palace expenses, cars and stables of the Ruler and guests except those which have reference to the performance of public duty which should be clearly defined.

The judiciary is to be independent and permanent and free of all interference. In order to ensure uniformity of practice and strict impartiality there should be appeal to the High Court of the Province within which the State in question is situated.

These temporary arrangements should function in such a way as to ensure the early realisation by the people of the Orissa States of their ambition to enjoy full responsible government as integral parts of the Province of Orissa.

* * * *

III. PRESIDENTIAL ADDRESS BY PT. JAWAHARLAL NEHRU AT THE ALL-INDIA STATES PEOPLE'S CONFERENCE (UDAIPUR, DECEMBER 31, 1945)

* * * *

As I have said, it is inevitable that the vast majority of States which cannot possibly form economic units, should be absorbed into neighbouring areas. It seems to me important that this absorption should be with the Provinces and not with other existing States, as has recently been done in Western India. It is also not desirable that a number of small States should be grouped together to form a larger State unit. There will be no history or tradition or unity about this; only an artificial joining together of backward areas with no leaven to pull them up. Therefore the union should be with Provinces. The Rulers of such small States may be given some kind of pensions and may be further encouraged to serve in a different capacity if they are fit enough for this.

* * * *

IV. RESOLUTION PASSED BY THE STANDING COMMITTEE OF ALL-INDIA STATES PEOPLE'S CONFERENCE (DELHI, SEPTEMBER 19TH, 1946)

* * * *

8. This Standing Committee views with concern the repeated decisions of the

Rulers of the small States of the Eastern States Agency to form themselves into a federation without bringing in the people of the States and reiterates its view that these small States should come under one administration common to the States and to the Province of Orissa.

* * * *

V. PROCEEDINGS OF THE EXPERT COMMITTEE MEETING OF THE ALL-INDIA STATES PEOPLE'S CONFERENCE ON SEPTEMBER 20TH, 1946

Resolution on Grouping of States recommended:

* * * *

7. *Eastern States.* (1) Oriya-speaking States to be amalgamated with the Province of Orissa.

* * * *

VI. RESOLUTION PASSED BY THE ORISSA AND C.P. REGIONAL COUNCIL OF ALL-INDIA STATES PEOPLE'S CONFERENCE (CUTTACK, MARCH 1ST, 1947)

* * * *

2. ...but to explore every possible means for the collaboration of Oriya-speaking States with the Province of Orissa, as also of Hindi-speaking States with the neighbouring Hindi-speaking Province, i.e., C.P.

The Council, therefore, urges upon the Rulers of the Eastern States Agency to abandon the scheme and devise ways and means for establishing mutual contact with the Provinces around, in order that distinct and complete linguistic units under the free and federated India may be carved out and administrative, cultural and economic collaboration might be established by way of united constitutional arrangement, conferring full democratic rights to the people of the States.

* * * *

VII. PRESIDENTIAL ADDRESS BY DR. B. PATTABHI SITARAMAYYA AT THE ALL-INDIA STATES PEOPLE'S CONFERENCE (GWALIOR, APRIL 19, 1947)

* * * *

There remain still hundreds of small States which are no more than Estates which it would be a misnomer to call States. They can only be absorbed into the adjoining provincial areas and their Princes accorded equitable compensation. In the meantime some emergent reforms are necessary. The meeting places of small States are a source of considerable corruption, illegal exactions and other types of misrule.

* * * *

VIII. RESOLUTION OF THE STANDING COMMITTEE OF THE ALL-INDIA STATES PEOPLE'S CONFERENCE (DELHI, OCTOBER 19TH-22ND, 1947)

* * * *

The Standing Committee of the All India States People's Conference has given its careful consideration to the constitution of the Eastern States Federal Union recently promulgated by the thirty-nine Rulers of the Orissa and C.P. States, but does not find anything in it that may even in future develop into a semblance of responsible government. On the contrary it perpetuates the sovereignty of the individual Rulers and the territorial integrity of every State, big or small, and as such is entirely undemocratic, reactionary and arbitrary. The Committee notes with approval that the Orissa and C.P. Regional Council has condemned this constitution and is now resisting the same.

In view of the wholly unsatisfactory nature of this constitution as well as of several individual constitutions of various States in this region the Committee reiterates its previous resolutions that these small States which, during the first century of British rule, were mere Estates and were elevated to Statehood by the British, must be merged into the neighbouring Provinces of Orissa and C.P. This is the only way in which these small principalities can be democratised and the people enabled to function fully in free India.

27. *Quotations from Mahatma Gandhi*

* * * *

If the States persist in their obstinacy and hug their ignorance of the awakening that has taken place throughout India, they are courting certain destruction. I claim to be a friend of the States. Their service has been an heirloom in my family for the past three generations, if not longer. I am no blind worshipper of antiquity. But I am not ashamed of the heirloom. *All the States may not live. The biggest ones can live only if they will recognise their limitations*, become servants of their people, trustees of their welfare, and depend for their existence not on arms, whether their own or British, but solely on the goodwill of their people. Frightfulness will feed the fire of violence that one feels smouldering everywhere. If the States are badly advised and they rely upon organised violence for resisting the just demands of their people, *ahimsa*, so far generated in the country as a means of redressing social injustice, will not protect them. If it has grown into a Himalayan oak, it would have passed any test however severe. But, sad to confess, it has not gone deep enough into the Indian soil.

(*Harijan*, September 17, 1938—'Travancore Frightfulness')

* * * *

Responsible government is made of sterner stuff. If the principality consists

of only 5,000 persons and the revenue is Rs.30,000, responsible government is a meaningless term.

* * * *

(*Harijan*, July 29, 1939—'Minority Administration')

28. *An open letter to the Prime Minister of India*

RETURN OF BENGALI-SPEAKING AREAS IN BIHAR

The following is the text of an 'Open Letter' addressed by Dr. S.K. Ganguli, President, New Bengal Association, to Pandit Nehru, Prime Minister of India, and Dr. Rajendra Prasad, President of the Congress:

While the celebration of Gandhi Week is afoot and steps are being taken to collect contributions for perpetuating the memory of the greatest world-leader in recent times, may I take the liberty of addressing you on the subject of redressing the wrongs of the stricken Province of West Bengal? It is to be fervently hoped that all-India leaders of your eminence will have the courage and the sense of justice to rise above all provincial considerations and deal with the just claims of Bengal as they should be considered by an impartial tribunal.

I may be permitted to recall to your mind the last utterances of Mahatma Gandhi on the subject. His post-prayer speech on 25-1-48 and his writings on the Congress Constitution on 30-1-48 (the very day of his tragic assassination) were unequivocally in favour of the redistribution of provincial boundaries on a linguistic basis. Is it too much to expect from such sincere and ardent followers of Mahatmaji that you would make a genuine effort to implement his last-moment desires? The great Mahatma's life has left behind the lesson of an unflinching pursuit of truth against all odds, and I am sure that nothing will allow you to be deflected from the path of justice and righteousness.

What are the claims of Bengal that you are being requested to concede? They are modest and unimpeachable. The arguments advanced have not been challenged. The facts and figures on the basis of which the claims are advanced have been taken from official documents of unimpeachable credit and will stand any scrutiny. When Mahatma Gandhi and you, S. Rajendra Prasad, visited Manbhum, you were forced to receive addresses in Bengali. The pro-Hindi campaign in Dhanbad through interested official agency came to naught and the plan stood revealed and discredited on official admission.

There is no use in raking up the past. We want a fair and square deal and a reasonable agreement and compromise. I am of the opinion that given goodwill and the desire to do justice, the conflicting claims of the two Provinces do admit of a just settlement agreeable to both the parties. Let the principle of 'live and let live' be our guiding motto in all these controversies which are needlessly embittered by the fanaticism of people who in their blind zeal to retain hold of

what does not belong to them are injuring the true interests of the Indian nation.

I may be permitted to remind you of the present plight of West Bengal. Shorn of the bulk of her territory, maimed and truncated, with her nerve-centres dislocated, her most virile population drafted under an alien rule, with her near and dear ones in the grip of panic and dishonour worse than death, the once glorious Province of Bengal which had at no remote past led the entire country is now a humble suppliant, dependent for her very existence on the sense of justice and fair play of her sister Provinces. She is the smallest in size, the poorest in resources, the most depleted in health and foodstuff of all Indian Provinces. How can she function with the dignity of a Federal State unless she is set on her feet by adequate and even generous help, by a restoration of what had rightfully belonged to her? You should also consider that she is a frontier Province and has to face additional responsibilities due to that position.

The last war left her a wreck, a victim of famine and epidemic: the communal horrors of last year have left a bloody trail along her entire physical and moral system. She is the happy hunting ground of exploiters and careerists. Immigrants from Pakistan are daily increasing the density of her population. She is a fit spectacle for inspiring every right-minded patriot with the deepest feelings of sympathy and commiseration. You as the principal leaders of the country should come forward on your own initiative to make good her losses and to replenish her exhausted veins. Instead of keeping back her rightful heritage, you should generously endow her with a plentiful dowry so that she may start house-keeping without unduly starving and pinching herself in respect of irreducible necessities. Do please take into your account the "relative areas" of the different Provinces and find out the place that West Bengal occupies—towards the very bottom of the list.

The leaders of a great country should have a wide, generous, far-reaching vision. They should legislate not for the morrow, but for remote futurity. You are the inheritors of the Gandhian ideal of absolute and all-round justice. You are striving to perpetuate the memory of one of the greatest sons of India. Should you allow narrow expediency and raw provincialism to deflect you from the just course? What sort of edifice do you propose to build to the memory of Mahatmaji if your hands are not strong and clean enough, if your will falters in carrying out your clear duty? Time is short; the sands are fast running out. The Constitution of India is about to be finalised. Would you not see before the irrevocable step is taken that Bengal takes proper place in the comity of States which will form the great Indian nation, that she is treated with the dignity and equal rights of a daughter instead of being allocated a back seat where she will feel her insignificance for all time to come?

May you have the wisdom and the courage to decide aright and bind Bengal to you with the ties of love which time cannot sever! Jai Hind.

INDEX

- Abdullah, Sheikh Mohammed, 391
 Aborigines, 124
 Adibasi movement, 33, 57
 Adibasis, 81
 Administrative relations, 251-52, 292
 Adult franchise, 411
 Advisory Committee on Minorities, 27; *see also* Minorities
 Advocate-General, 234, 237, 287
 Agha Khan, 39
 Agirni, 210, 211, 212, 213
 Agnibhoj, Rameshwar, 124, 140, 141, 221, 222
 Agrawal, Shriman Narayan, 386, 387
 Agricultural implements, 58
 Agricultural income, 350
 Agricultural income-tax, 73, 170
 Agricultural reorganisation, 70
 Agriculture, 34
 Ahmed, Hafiz Fayaz, 87
 Ahmedabad, 61; Labour Union, 389; Textile Union, 205
 Ajmer, 181, 184
 Ajmer-Merwara, 240, 280
 Akali Party, 116, 158, 195
 Alexander, Horace, 75, 76, 148, 149, 383, 384, 408, 416, 417
 Ali, Maulana Ahmad, 103, 105
 Ali, Sadiq, 222, 223, 422
 Ali, Syed Nausher, 417
 Aligarh Muslim University, 4, 5, 6, 264
 Allahabad, 62, 87, 222, 423, 425
 All India Congress Committee, 34, 45, 61, 62, 70, 75, 94, 97, 106, 109, 117, 118, 122, 130, 145, 166, 170, 171, 172, 173, 195, 222, 389, 400, 411, 412, 422, 423
 All India Depressed Classes League, 124, 222
 All India Gurkha League Conference, 45
 All-India Hindu Mahasabha, 138; *see also* Hindu Mahasabha
 All India National Congress, 132
 All-India Pacifist Conference, 408, 416, 417
 All-India States People's Conference, 429, 430, 431, 432
 All Orissa States People's Conference, 42, 77, 78, 90, 106
 All-India Women's Conference, 418
 Alwar, 110, 198
 Amalgamation of States with Provinces, 93
 Ambedkar, Dr. B.R., 238, 319, 320
 American Friends Service Committee, 383
 Amrit Kaur, Raj Kumari, 53, 76, 231
 Anrita Bazar Patrika, 401, 425
 Amritsar, 32
 Andaman and Nicobar Islands, 240, 281, 293-94
 Andhra, 84, 85, 89, 413
 Andrews, C.F., 419
 Anglo-Indian community, 315
 Anglo-Indians, 305-6, 308, 309, 311, 313, 314
 Ansari, Dr., 423
 Anthony, F.R., 311
 Apte, 208
 Arbitral tribunal, 396
 Aryan Path, 408
 Aryanayakam, 338, 409, 417, 418
 Asha Devi, 414
 Assam, 120, 127, 143, 144, 240, 280, 328, 330, 332, 334, 358, 359, 360, 361, 362, 376
 Assam Government, 225
 Assamese students, 226
 Asuras, 413
 Auditor-General, 291, 345-46; of the Federation, 250; provisions relating to, 374
 Australia, 337; Commonwealth Parliament in, 280
 Australian Constitution, 239, 262
 Ayurvedic physicians, 146
 Azad Hind Fauj (I.N.A.), 407
 Azad, Maulana Abul Kalam, 13, 15, 52, 66, 91, 103, 104, 105, 113, 132, 154, 163, 168, 171, 172, 173, 175, 188, 202, 238, 404, 405, 423
 Babu, Chakradhar; *see* Sharan, Chakradhar
 Babu, Krishna Ballabh; *see* Sahay, Krishna Ballabh
 Babu, Kshitish, 114
 Babu, Mukunda, 114
 Babu, Nalini; *see* Sircar, Nalini Ranjan
 Babu, Prafulla; *see* Sen, Dr. Prafulla Chandra
 Bachan Singh, 25, 165
 Bajaj, Seth Jarnalal, 423

- Bakhtiar, Khwaja Syed Qutub-ud-Din, 413
 Bakshi, Sir Tek Chand, 263
 Bala Saheb, 54
 Baldev Singh, 99, 199
Bande Mataram, 199
 Banerjee, Pramatha Nath, 187
 Banerjee, Srish Chandra, 59, 60
 Bapa, Thakkar, 69, 150, 151, 162; *see also* Thakkar, A.V.
 Bari, Prof. Abdul, 141, 421
 Basu, Hemanta Kumar, 187
 Batheja, H.R., 149, 150
 Bavdekar, Mr. Justice, 68, 201, 202
 Benares Hindu University, 264
 Bengal, 163, 171, 190, 221, 235, 330, 357, 412, 426, 434; *see also* West Bengal
 Bengal, claims of, 60; by-election in, 108; political changes in, 113
 Bengal Congress Assembly Party, 109
 Bengal Congress Parliamentary Party, 18
 Bengal Legislative Assembly, 76, 102, 109, 131, 147
 Bengal Legislative Council, 39
 Bengal Ministry, 112
 Bengal Provincial Congress Committee, 103, 105, 126
 Bengal Provincial Muslim League, 133
 Bengali residents of Delhi, 125, 128, 130
 Bengali-speaking areas, 38, 39, 40, 225, 433
 Bhabha, 91
 Bhagavadgita, 406
 Bharatiya Itihas Parishad, 13
 Bharatpur, Princess of, 214
 Bharatpur State, 110, 198
 Bhargava, Dr. Gopichand, 44, 82, 84, 94, 97, 108, 110, 111, 116, 117, 118, 119, 145, 158, 164, 165, 166, 173, 174, 194
 Bhattacharjee, Shyamapada, 187
 Bhawe, Vinoba, 417
 Bhavnagar, 188
 Bicameral Legislature, 345
 Bihar, 7, 9, 10, 14, 20, 32, 36, 37, 38, 39, 40, 43, 46, 49, 57, 59, 60, 64, 68, 70, 90, 93, 120, 142, 155, 156, 157, 160, 168, 170, 193, 235, 240, 280, 305, 328, 335, 357, 361, 376, 425, 426, 427, 433
 Bihar Congress, 9, 10, 36, 40, 47
 Bihar Government, 69, 78, 175, 192, 193, 194
 Bihar Hindi Sahitya Sammelan, 39
 Bihar Legislative Assembly, 193
 Bihar Provincial Congress Committee, 14, 32, 155, 426, 427
 Bihar State Acquisition of Zamindari Bill, 193
 Biharis, employment of, 190
 Bikaner, Maharaja of, 52
 Birla, Ghanshyam Das, 52, 109, 110
 Biswas, Charu, 200, 201, 203, 215, 216
 Biswas, K.G., 141
 Bombay, 3, 4, 16, 53, 120, 172, 173, 174, 183, 189, 201, 208, 210, 211, 212, 216, 217, 218, 235, 240, 242, 280, 303, 306, 332, 357, 359, 411
 Bombay Government, 150
 Bombay High Court, 156, 157
 Bombay Police, 208, 209
 Borrowing policy, 346
 Borrowing powers, 346
 Borrowing, provisions relating to, 379
 Bose, Hiralal, 148, 149, 174, 383, 384, 416, 418
 Bose, Sarat Chandra, 102, 109, 263
 Bose, Satish Chandra, 187
 Bose, Subhas Chandra, 195
 Boundary Commission, 20, 85, 89, 92, 306
 British Cabinet Mission, 219
 British Government, 9, 37, 39
 British imperialism, 18
 British India, 57, 242
 British Indian tariff rates, 363, 366
 Budh Singh, 5
 Burma, 4, 7, 11, 39, 146, 223, 224
 Cabinet Mission, 80; *see also* British Cabinet Mission
 Calcutta, 17, 18, 25, 36, 37, 44, 61, 63, 65, 75, 76, 92, 93, 106, 108, 112, 115, 122, 131, 134, 137, 172, 186, 197, 200, 202, 215, 223, 226, 384, 405, 425
 Calcutta Corporation, 201
 Calcutta Press, 36
Calcutta Weekly Notes, 283
 Canadian Supreme Court Act, 258
 Captain, Perin Bai, 423
 Cariappa, Maj.-Gen. K.M., 401
 Cawnpore, 70
 Central Assembly, 142, 158
 Central Bank of India Ltd., 100, 384
 Central excise duties, 335
 Central Intelligence Bureau, 263
 Central Legislature, 30, 31, 156, 328; elections to, 304
 Central Parliamentary Board, 103, 109, 113, 115, 163, 202
 Central Provinces, 14, 41, 46, 48, 68, 70, 120, 156, 177, 235, 357, 358, 359, 360, 361, 431, 432
 Central Provinces and Berar, 142, 240, 280, 305
 Central Relief Committee, 4, 82, 83, 84, 110, 111

- Central Services; Anglo-Indians in, 312; *see also* Public Service Commission
- Central taxes, administration of, 331
- Ceylon, 11, 12, 45
- Chakrabarty, Kali Mohan, 129
- Chakrabarty, Subrata, 128, 129
- Chakravarti, Dr. Amiya, 383, 408, 416
- Chakravarti, Goodeve, 39
- Chakravarti, Mr. Justice, 200
- Chakravarti, Satis Chandra, 187
- Chaman Lall, Diwan, 231
- Chamber of Princes, 80
- Chambor Camp, refugees in, 212
- Charkha Sangh, 386, 387, 389
- Chatterjee, Bankim Chandra, 39
- Chattopadhyay Kamaladevi, 199
- Chaudhury, Annada Prosad, 401
- Chaudhury, Kshitindra Nath, 163
- Chetsingh, R.M., 383, 409
- Chettier, A., 52
- Chhatisgarh States, 152, 185
- Chhotanagpur Division, 161, 162
- Chief Commissioners' Provinces, 240, 280-81, 293
- China, 413
- Choudhary, Valmiki, 420, 422
- Chowdhury, Dr. A.R., 127, 128, 129
- Citizenship, 240-43, 281-83
- Civil Procedure Code, 257
- Commonwealth Parliamentary Conference, 55
- Commonwealth Relations, Ministry of, 223
- Communal harmony, 51
- Communalism, Moloch of, 139
- Communication, 332
- Concurrent Legislative List, 270-71
- Congress, 37, 38, 51, 60; *see also* All India Congress Committee
- Congress Assembly Party, 95, 109, 182, 186, 190, 196, 202, 204, 225, 424
- Congress Economic Committee, 70
- Congress Government, 41, 42, 75, 77
- Congress Legislative Party, 173
- Congress manifesto, 143
- Congress Ministries, 142
- Congress organisation, 412
- Congress party, 138, 145, 158, 164, 174
- Congress policy decision, 180
- Congress President, 90
- Congress volunteer organisations, 119
- Congress workers, 95, 136, 137
- Congress Working Committee, 64, 77, 78, 80, 117, 163, 389, 410-12, 413; *see also* Working Committee
- Constituent Assembly, 15, 16, 17, 25, 26, 27, 30, 31, 40, 46, 55, 56, 63, 72, 77, 79, 80, 84, 85, 86, 88, 89, 91, 92, 94, 98, 100, 101, 102, 103, 114, 115, 116, 117, 118, 119, 120, 123, 131, 138, 139, 140, 141, 142, 150, 151, 152, 153, 154, 155, 159, 160, 162, 183, 223, 229, 230, 235, 238, 243, 254, 262, 289, 294, 296, 303, 311, 313, 316, 317, 318, 319, 320-21, 322, 326, 386
- Constitution, 55, 56, 100, 102, 138, 139, 152, 153, 159, 160, 162, 230, 233, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245-320, 324, 325, 329, 342, 343, 344, 345, 346, 353, 371-79, 386, 387; amendment of, 253, 260-61, 294
- Constitution Act, 56
- Constitution Bill, 229
- Constitution Committee, 229, 389, 411
- Constitutional settlement, 99
- Constructive Workers' Conference, 157, 160
- Constructive Works Committee, 384
- Cooperative distribution, 36
- Coorg, 240, 280
- Council of States, 246-48
- Court of Wards, 192, 193
- Criminal Procedure Code, 245
- Cripps, Sir Stafford, 9, 219, 220
- Cross, Leslie, 82
- Cuttack, 8, 21, 42, 106, 107
- Dacca Government, 137
- Dahyabhat, 53
- Dalal, Baburao, 54
- Damodar Valley Project, 161
- Darbhanga, 169
- Darbhanga, Maharaja of, 169
- Das, Anil, 127
- Das, Biswanath, 213
- Das, Kanai Lal, 187
- Das, P.R., 426
- Das, Radhanath, 187, 231
- Das, Sarangadhar, 78
- Das, Sarat Chandra, 9
- Das Gupta, B., 326
- Das Gupta, Rishi Nibaran Chandra, 59
- Dass, Chabbil, 96
- Datta, Sukumar, 127, 128, 187
- Defence expenditure, 331
- Defence industries, 263
- Defence Services, 331, 332
- Delhi, 240, 280; *see also* New Delhi
- Delhi Local Administration, 23
- Delhi Police, 208, 209, 219
- Deo, Shankarrao, 52, 104, 105, 166, 172, 173,

- 174, 231, 388, 390
 Desai, Khandubhai, 63
 Desai, Morarji, 53, 54
 Deshmukh, B.A., 14
 Deshmukh, Panjabrao, 141, 143
 Deva, Narendra, 411
 Directly administered areas, 252, 294
 District Congress Committee, Khulna, 132
 Diwakar, R.R., 52, 231, 390
 Dolui, Harendra Nath, 187
 Dominion Government, 9, 10, 319, 320
 Dominion Legislature, 318, 319, 320
 Dominion Status, 37
 Doulatram, Jairamdas, 231, 263
 Dumraon, 169
 Dutt Majumdar, Niharendu, 67, 187
 Dutt, Sarat Chandra, 132, 133, 137
 Dutta, Sukumar, 187
- East Bengal, 92, 125, 126, 127, 128, 129, 135, 163, 200
 East Bengal constituency, 92
 East Bengal Government, 134
 East Bengal Minority Welfare Committee, 125, 126, 129
 East Pakistan, 39, 134
 East Punjab, 28, 29, 31, 44, 46, 94, 97, 98, 99, 100, 101, 112, 184, 194, 195, 208, 240, 280, 314, 332, 336, 337, 338, 362, 450
 East Punjab Legislative Assembly, 145
 East Punjab Legislature, 98, 99, 101
 Eastern States Agency, 431
 Economic Programme Committee, 34
 Elections to the Federal Parliament, 251
 Elections, indirect, 203
 Elphick, Gladys, 416
 Estate and succession duties, 336
 Estate and succession taxes, 340
- Federal Act, 244, 245, 246-49, 250, 251
 Federal executive, 243-46, 253, 257, 283-87
 Federal grants, 325
 Federal Judicature, 250, 290-91
 Federal Law, 241, 242
 Federal Legislative List, 263-71, 301-3, 333, 334, 335, 346
 Federal Legislature, 329
 Federal Parliament, 287-89
 Federal Revenue, 325
 Federal stamp duties, 336
 Federal taxes, 324, 325, 335
- Federal Territory and Jurisdiction, 239-40, 279-80
 Finance and Borrowing Powers of the Federal Government, 252
 Finance Commission, 325, 335, 336, 339, 340, 341-43, 349, 376, 378-79
 Financial matters, procedure in, 344
 Financial provisions of the Union Constitution, Report of the Expert Committee on, 324-52
 Financial relations, 327
 Foreign Affairs, 331, 332
 Foreign loans, 346
 French Government, 7, 8, 10
 French possessions in India, 11
 Friends Peace Committee, 383, 417
 Friends Service Units, 83, 110, 111
 Fundamental Rights, 55, 243, 256, 283, 321; Advisory Committee on, 229
 Fundamental Rights Sub-Committee, 321-22
- Gadgil, N.V., 156, 157
 Gandhi, Devadas, 416
 Gandhi Ghat, 202
 Gandhi, Mahatma, 21, 38, 49, 50, 51, 52, 58, 59, 60, 61, 69, 75, 76, 77, 80, 106, 107, 110, 111, 112, 124, 130, 141, 142, 150, 160, 167, 172, 179, 183, 187, 191, 194, 199, 213, 219, 220, 385, 388, 389, 400, 401, 402, 404, 405, 408, 409, 412, 415, 416, 417, 418, 419, 420, 421, 429, 432, 433
 Gandhi murder case, 214, 216, 217, 218
 Gandhi National Memorial Fund, 87, 121
 Gandhi Smarak Fund (Nidhi), 174, 175, 217, 218
 Gandhian ideal, 434
 Gandhiji's fast, 19, 20, 48, 188, 189
 Gandhi's assassination, 199
 Ganguli, Bepin Behari, 93, 187
 Ganguly, S.K., 37, 433
 Gayen, Arabinda, 187
Gazette of India, 115
 George, S.K., 408, 417
 Ghani, Maulvi Abdul, 188
 Ghose, A.K., 61, 62, 79, 186, 206, 207, 224, 225
 Ghose, Bimal Comar, 187
 Ghose, Hemendra Prasad, 37
 Ghosh, Dr. Prafulla Chandra, 12, 13, 19, 61, 62, 65, 79, 104, 105, 109, 112, 113, 186, 190, 200, 401
 Ghosh, Tushar Kanti, 37, 425
 Gidwani, Choithram, 167
 Godse, 208, 209, 216, 218

- Gopalaswami Ayyangar, Sir N., 230, 238, 261, 263, 319, 329
 Goseva Sangh, 389
 Goswami, Jitendra Lal, 143, 145
 Governance, fundamental principles of, 322, 324
 Government of India Act, 1919, 327, 328
 Government of India Act, 1935, 237, 252, 253, 254, 255, 256, 257, 278, 281, 287, 291, 293, 296, 318, 319, 324, 326, 327, 328, 329, 353
 Government Servants' Conduct Rules, 189
 Governor, 231, 232, 233, 234, 236, 238; legislative powers of, 236, 237, 277-78
 Governor-General, 122, 252
 Governors' Provinces, 240, 271-75, 280, 281
 Govind-Singh, Guru, 405
 Govinda Menon, P., 238
 Granthsaheb, 406
 (*The Guardian*), 408
 Guha, M., 383
 Gujarat, 152
 Gujarati community, 100
 Gujrat, 110
 Gujrat incident, 22, 25
 Gupta, Deshbandhu, 23, 199, 402
 Gupta, J.C., 76, 108, 109, 195, 196, 197, 202, 203, 204, 206, 207, 224, 225, 424
 Gurdwara Ravi Kartarpur, 27, 28
 Gurgaon, 82, 83, 110
 Gurkha League, 44, 63; *see also* All India Gurkha League Conference
 Habib, Prof. Muhammad, 383, 384
 Halder, Kuber Chand, 187
 Harbans Singh, Sardar, 404
Harijan, 38, 106, 408, 415, 432, 433
 Harijan Sevak Sangh, 82, 385, 386
 Hathua, 169
 Hazaribagh, 191, 192
 'Himalganj Hat', 135
 Himmatsinghji, Col. Maharaj, 263
 Hindi Sahitya Sammelan, 38, 40
 (*The Hindu*), 408
 Hindu girls, forcible abduction of, 134
 Hindu Mahasabha, 48, 77, 139, 212, 217, 218, 407, 448
 Hindu-Muslim relations, 184
 Hindu Rashtriya, or *Agirni*, 210, 211, 212
 Hindu refugees, 144
 Hindu Samaj, 416
 (*The Hindustan Times*), 399
 Hindustani, 235, 289
 Hume, Dr. W.H., 416
 Husain, Dr. Zakir, 76, 87, 389
 Hussain, Zaheed, 404, 405, 407
 Hyderabad border areas, 175
 INTUC, 65
 Iengar, H.V.R., 24, 123, 124, 181, 184, 185
 Imam, Hussain, 319
 Immunities enjoyed by States, 363-71
 Imperial Library, 264
 Income-tax, 144, 338-39; provincial share of, 336
 Income-tax Committee, 201
 Indian Academy of History, 13
 Indian Christians, 142, 305, 306, 309, 310, 314
 Indian Dominion, 189, 391, 398, 426
 Indian Educational Code, 39
 Indian Independence Act, 1947, 31, 316-19, 320-21
Indian Journal of Social Welfare, 408
 Indian Legislative Assembly, 318, 320
 Indian Museum, 264
Indian Nation, 49
 Indian National Congress, 5, 39, 77, 78, 125, 133, 138, 165, 194, 412, 423
 Indian Naturalisation Act, 241, 282
Indian People, 408
Indian Social Reformer, 408
 Indian States, 233, 240, 324, 325, 326, 363, 364, 369, 370
 Indian Succession Act, 1925, 242, 281, 282
 Indian territory, 393
 Indian Union, 242
 Indian Union Flag, 133
 Indians abroad, welfare of, 5
 Indo-China, 8
 Industrial Conference, resolution of, 64
 Industrial development, 74
 Industry, 35
 International law, breach of, 8
 Inter-State Commission, 293
 Irish Constitution, 235, 254
 Irish Free State, 251, 254, 282; Constitution of, 295
 Jagannath, 204, 205
 Jagjivan Ram, 52, 123, 141, 161, 221, 238
 Jain, Chotalal, 384, 416, 418
 Jaipal Singh, 14, 33, 41, 43, 57, 69, 81, 93
 Jamiat-ul-Ulema, 405
 Jammu, 187
 Jammu and Kashmir, 390, 391, 392, 393, 394, 395, 402

- Janmabhumi Gurdwara, 27
 Jan, Shaikh Mohammad, 103, 104, 105, 131, 132, 147, 148
 Jaswant Singh, 209, 213
 Jathedar, Hazara Singh, 98
 Jathedar, Pala Singh, 99
 Jathedar, Ram Singh, 101
 Jedhe, Keshavrao, 53, 54, 55
 Jha, Binodanand, 9, 20
 Jharkhand Province, movement for, 93
 Judges, 258-59; qualifications and mode of appointment of, 299-300
 Judicial Committee, 295
Jugaveri, 144
 Jullundur, 95, 97, 99, 116, 117, 118, 119
 Jute export duties, 334
 Jute-growing Provinces, 350

Kafir, 403
 Kanoria, Bhagirath, 383, 416, 418
 Karimganj Subdivisional Congress Committee, 143
 Karnataka, 84, 86, 89, 413
 Kartar Singh, Giani, 25, 26, 27, 32
 Kashmir, invasion of, 134
 Kashmir issues, 396, 397, 398
 Kashmir problems, 29, 402
 Kashmir Relief Fund, 167
 Kashmir situation, 22, 182, 184
 Kashmir State, 184
 Kasturba Memorial Committee, 155
 Kedia, Babulal, 223
 Keithan, R.R., 408
 Kelkar, 89
 Kerala, 86
 Khadi group, 113
 Khadi workers, 387
 Khaitan, Devi Prasad, 131, 263
 Khaliqzaman, Ch., 15
 Khan, Khan Abdus Samad, 417
 Khan, Nawab Mohd. Ismail, 3, 4, 5, 6
 Khan, Shah Nawaz, 405, 407
 Kharsawan, 32, 41, 42, 46, 69, 80, 81, 90, 107
 Kher, B.G., 16, 52, 53, 54, 179, 189, 202, 231
 Khera, S.S., 207, 208, 215
 Khulna Railway Station, 134
 Khurshid, 402, 404
 Khwaja Qutub-ud-Din Mazar, 405
 Kidwai, Rafi Ahmed, 231
 Kisan, 142
 Kisan Forward Bloc, 192
Kisan Raj, 143

 Kitchlew, 117, 118
 Koran, 406
 Kripalani, J.B., 52, 157, 231, 384, 417
 Kripalani, Krishna, 173
 Kripalani, Sucheta, 24, 52
 Krishen Gopal, Choudhri, 96
 Krishnamachari, Sir V.T., 263
 Krishnaswami Ayyar, Sir Alladi, 238, 259, 263, 307, 319
 Kuala Lumpur, 5
 Kumarappa, Bharatan, 409
 Kumarappa, J.C., 52, 157, 383, 390, 408
 Kundha Singh, Mahant, 97

 Labour and capital, relation between, 35
 Labour dispute, 73
 Lahore discussion, 396
 Lahore High Court Bar Association, 96
 Lal Singh, 223
 Land Customs, 370
 Land Revenue, 328, 330
 Land Revenue (Flond) Commission, 107
 Large-scale production, 71
 League leaders, 135
 Legislative Assemblies, 120, 232, 234, 235, 237, 243, 279, 372, 373
 Legislative Council, 279, 372, 373
 Legislatures, representation in, 309-10
 Lehna Singh, 117, 118
 Linguistic Provinces, 84, 85, 88, 89
 Lohia, Rammanohar, 199
 London, 33
 Lower House, 235, 236, 237, 247, 248, 344
 Lucknow, 15, 25, 145, 147

 Madan Lal, 208, 209, 210, 212
 Madras, 45, 89, 120, 152, 171, 173, 175, 235, 240, 280, 305, 306, 328
 Mahamaya, 69
 Mahanty, Charu Chandra, 187
 Maharashtra, 84, 86, 142, 413
 Maharashtra Provincial Congress Committee, 54
 Mahatma Gandhi, memorials to, 420
 Mahatma Gandhi National Memorial Fund, 148
 Mahatmaji Memorial Committee for Bihar, 155
 Mahtab, Harekrushna, 8, 10, 19, 21, 41, 57, 68, 70, 78, 80, 82, 90, 93, 106, 107, 231
 Maity, Nikunja Behari, 66
 Majeed, M., 409

- Majhi, Nishapati, 187
 Mal, Iswar Chandra, 187
 Malayan Indian Congress, 5
 Mallick, Ashutosh, 187
 Mallik, T.N., 225, 226
 Mandal, Annada Prosad, 187
 Man-pack wireless sets, 393
 Marwari community, 223
 Marwaris, 54
 Masani, M.R., 263, 417
 Mass conversion, 163
 Mastan Singh, 100
 Mavalankar, G.V., 30, 316, 319
 Mayurbhanj State, 9, 10, 20
Mazdur Avaz, 421
 Mazumdar, Bhupati, 66
 Mehrauli Shrine, 413
 Mehta, Balraj, 212
 Mehta, Balvantra, 77, 78, 80, 90
 Mehta, G.L., 383, 384
 Mehta, Hansa, 53, 54, 231, 311
 Mehta, Jivraj, 53, 383
 Mehta, Ranbir Singh, 194, 195
 Meos, 82, 83, 110, 111; of Alwar and Bharatpur, 83; of Gurgaon, 110
 Mineral policy, 191
 Ministers, Council of, 233, 237, 287
 Ministers, salaries of, 233
 Minorities, Advisory Committee on, 321
 Minorities in Cabinets, representation of, 307, 310, 315
 Minorities Sub-Committee, 306
 Minority community, 144
 Minority rights, 313-16
 Minority Rights, Report on, 303-9
 Miraben, 417
 Mishra, Dwarka Prasad, 161, 414
 Mitter, Sir B.L., 257, 259, 263, 301, 319
Modern Review, 40, 408
 Modi, Sir Homi, 306
 Moitra, Lakshmi Kanta, 129
 'Molasses scandal', 427
 'Money Bill', definition of, 373
 Mookerjee, Dr. Syama Prasad, 16, 17, 48, 66, 77, 88, 91, 109, 114, 115, 140, 199, 200, 202, 203, 238, 326, 415
 Mookerji, Dr. Radhakumud, 106, 107
 Mookherjee, H.C., 231
 Motwane, Nanik G., 50
 Mountbatten, Lord, 123
 Mukerjee, D.N., 187
 Mukerjee, Kalipada, 67, 92, 93, 202, 203
 Mukut Dhari Singh, 63, 64, 65
 Mullick, Mukund Behari, 115
 Munshi, K.M., 229, 230, 238, 259, 263, 301, 311
 Murli Manohar, 147
 Musafir, Giani Gurmukh Singh, 25
 Muslim evacuees, 95
 Muslim leaders, 134
 Muslim League, 102, 136, 144, 261
 'Muslim National Guards', 133, 134, 135, 136, 198
 Muslim refugees, 22
 Muslim seat, 103, 105, 115, 131
 Muslims, 131, 305, 307, 309, 310, 314, 402, 403, 404, 405, 406, 412, 413
 N.W.F.P. & Sind, 128
 Nag, Dr. Kalidas, 383, 408, 416
 Nag, Keshab Chandra, 129
 Nagappa, S., 231
 Nagarwala, 209, 210, 214
 Nagendra Singh, 33, 40
 Nagoke, Udham Singh, 22, 25
 Nagpur, 24, 32, 221
 Nahar, B.S., 416, 417
 Naiyar, Dr. Sushila, 112, 417
 Nand Lal, 96
 Nanda, Gulzari Lal, 63
 Nankana Sahib, 27, 28, 31
 Narang, Dr. Gokul Chand, 138, 139, 161
 Narayan, Jayaprakash, 3, 155, 199, 411
 Naskar, Hem Chandra, 67
 National Assembly, 239, 246, 254, 280
 National Conference, 391
 'National Week', 157
 Nationalist Muslims, 103
Navayug, 103, 105
 'Nazimganj Hat', 135
 Nehru, Brijlal, 121
 Nehru, Jawaharlal, 4, 7, 8, 10, 11, 12, 21, 22, 23, 25, 26, 29, 31, 34, 37, 38, 50, 52, 54, 55, 57, 58, 59, 62, 77, 80, 81, 84, 85, 86, 87, 88, 90, 91, 92, 99, 101, 102, 104, 120, 123, 127, 130, 138, 148, 149, 150, 153, 162, 167, 171, 175, 179, 183, 188, 191, 197, 198, 202, 205, 207, 208, 209, 215, 216, 217, 238, 260, 261, 385, 405, 407, 416, 420, 423, 430
 Neogy, K.C., 16, 17, 68, 91, 92, 109, 115, 149, 150
 New Bengal Association, 37
 New Delhi, 3, 4, 8, 10, 11, 12, 13, 14, 19, 22, 23, 24, 26, 29, 32, 33, 34, 45, 46, 47, 50, 53, 55, 57, 58, 60, 61, 62, 63, 68, 69, 70, 78, 82, 84, 87, 91,

- 92, 93, 94, 97, 99, 101, 102, 103, 104, 108, 110, 112, 113, 119, 125, 138, 146, 150, 153, 160, 166, 167, 183, 187, 193, 197, 198, 201, 202, 203, 205, 207, 210, 212, 215, 216, 218, 219, 223, 224
 Nityaswarupananda, Swami, 383, 416
 Non-violence, 220; India's tradition of, 418
 Nye, General, 86
- Objectives Resolution of the Constituent Assembly, 72
 Oraons, 14
 Orissa Congress, 10
 Orissa Government, 80, 81
 Orissa, merger of, 185
 Orissa States, 9, 10, 20, 27, 40, 41, 42, 43, 57, 60, 68, 70, 77, 78, 80, 81, 89, 90, 93, 106, 107, 120, 156, 157, 160, 240, 280, 328, 332, 335, 359, 361, 376, 425, 430, 431, 432
 Orissa States, amalgamation of, 80, 81
 Orissa States Enquiry Committee, 429
 Oriya-speaking people, 43
 Owen, Gladys, 383
- Padmaja Naidu, 37
 Pakistan, 22, 23, 26, 27, 28, 29, 31, 48, 54, 82, 83, 110, 133, 136, 143, 144, 163, 392, 393, 394, 395, 396, 397, 398, 399, 400, 403, 404, 406, 407, 412, 413, 426, 434
 Pakistan Assembly, 163
 Pakistan Border Militia, 137
 Pakistan Government, 397, 398, 399, 400
 Pakistan territory, 392, 393
 Pakvasa, Mangaldas, 53, 54
 Panchayat Ghars, 58, 59
 Panikkar, K.M., 238
 Panja, Jadavendra Nath, 67, 187
 Pant, Govind Ballabh, 15, 52, 104, 122, 130, 140, 146, 147, 157, 158, 238, 263, 311
 Panth Piploda, 240, 281
 Panthic minister, 116
 Panthic Party, 95, 166, 194
 Park Circus Peace Committee, 104, 105
 Parkash Chandra, 164, 165
 Parliament Act, 1911, 345
 Parliamentary Board, 163
 Parliamentary Committee, 154, 155
 Parsees, 305, 306, 309-10, 314
 Partap Singh, 117, 118
 Partition Council, 397, 398
 Patel, Vallabhbhai, 4, 5, 6, 14, 20, 26, 27, 29, 33, 36, 40, 41, 43, 46, 50, 52, 54, 55, 61, 63, 65, 68, 69, 70, 77, 80, 81, 82, 96, 99, 103, 104, 108, 118, 119, 121, 130, 154, 162, 164, 169, 171, 175, 176, 179, 180, 181, 183, 187, 188, 189, 197, 198, 199, 200, 201, 202, 203, 204, 205, 207, 208, 209, 213, 214, 215, 216, 217, 219, 230, 231, 303, 309, 311, 313, 321, 322, 385, 395, 420, 427, 428
 Patharia Reserve Forest, trespass of, 144
 Patiala, 98
 Patiala, Maharaja of, 52
 Patil, L.M., 53, 54
 Patil, M.P., 53, 54
 Patna, 6, 7, 36, 45, 48, 49, 57, 59, 69, 155, 169, 173, 190
 Patna University, 7, 42
 Plains' tribesmen in Assam, 305, 306, 309, 314
 Planning Commission, 36
 Poddar, Anandi Lal, 187
 Poonacha, C.M., 231
 Praja Mandal, 9, 10, 20, 57, 77, 80, 81, 90
 Praja Mandal movement, 77, 90
 Praja Socialist Party, 199
 Prakasam, T., 175, 176
 Pratap Singh, 95
 Prater, S.H., 311
 President (Rashtrapati), 243-45, 283-85
 President, functions of, 286
 President, legislative powers of, 249-50, 290, 292
 Prime Minister's National Relief Fund, 167
 Prime Minister's role, 180-83, 184, 185
 Privy Council, 256, 295
 Provinces, claims of, 331-32
 Provinces and the Centre, review of finances of, 330-32
 Provincial Auditor-General, 233, 278-79
 Provincial Judiciary, 278-79
 Provincial Legislative List, 267-71, 325, 333, 351
 Provincial Legislatures, 232, 233, 234, 235, 236, 239, 243, 275-78, 329; elections to, 304
 Provincial Public Service Commission, 233, 237
 Public Service Commission, 250-51, 278-79, 291
 Punjab, 25, 128, 164, 173, 221, 306
 Punjab Legislative Assembly, 95, 173
 Punjab Provincial Congress, 117
 Punjab Relief Fund, 4, 5, 61
 Punjab Relief Sub-Committee, 82
 Puri, R.B. Mukand Lal, 96
- 'Quaid-i-Azam Fund', 135
 'Quit India' Resolution of 1942, 195
- Radcliffe Award, 143
 Radhakrishnan, S., 76, 409
 Rahman, Habibur, 103, 105

Index

- Rahman, Maulvi Abdur, 416
 Raisina Bengali Higher Secondary School, 128
 Rajadhyaksha, Mr. Justice, 201
 Rajagopalachari, C., 52, 66, 121, 122, 123
 Rajshahi District Congress Committee, 163
 Ramachandran, G., 409, 417
 Ramaswami Mudaliar, Sir A., 263
 Ramgarh, 169
 Ramgarh, Raja Bahadur of, 191, 192, 193
 Ranchi District Congress Committee, 14
 Randhawa, 402, 404
 Ranga, N.G., 37
 Rangachari, M.V., 324, 326, 352
 Rangacharya, P.B., 94
 Rangoon, 123, 172
 Rashtriya Swayamsevak Sangh, 179, 189, 198,
 216, 217, 218, 219, 402, 404, 405, 407, 408
 Ratu, 169
 Rau, Sir B.N., 80, 151, 259, 301
 Rauf, Dr. M.A., 19, 100, 146, 172
 'Raulfia Serpentina', 172
 Ray, Renuka, 416, 418
 Ray, Sujata, 416, 418
 Refugees from West Punjab, 95, 403
 Regional Labour Board, 35
 Rehman, Maulana Hifzur, 405
 Rehman, Mukleshwar, 103
 Relief and Rehabilitation, Ministry of, 22, 23;
 portfolio of, 95
 Reserve Bank of India, 346, 399
 Revenues of the Federation, 353
 Revenues of Provinces, 354
 Rights enjoyed by States, 363-71
 Roy, Dr. Bidhan Chandra, 12, 13, 16, 17, 18, 19,
 44, 61, 62, 63, 65, 66, 67, 79, 85, 88, 93, 109,
 111, 115, 116, 131, 139, 154, 162, 164, 172, 186,
 190, 195, 197, 200, 201, 202, 203, 206, 215, 216,
 224, 225, 401, 423, 424
 Roy Chowdhury, Sushil, 129
 Roy, K.S., 163, 231
 Roy, Raja Rammohun, 39
 Roy, S.K., 383, 384
 Rural population, 70
 Rutherford, Sir Thomas, 192
 Ryotwari Provinces, 380

 Sachar, Bhimsen, 43, 44, 94, 97, 108, 116, 118,
 164, 166, 173, 174
 Saha, Lalmohan, 137
 Sahai, Deokinandan, 14
 Sahay, Krishna Ballabh, 47, 168, 170, 173, 174,
 175, 191, 193, 194

 Sanatani Hindu, 407
 Sanjevi, 218
 Santhal Parganas, 162
 Santiniketan, 49, 417, 418, 419
 Sanyal, Dr. Nalinaksha, 17, 19
 Sapru, Sir Tej Bahadur, 155, 159
 Sarabhai, Mridula, 22
 Sarkar, Sir Jadunath, 13
 Sarojini Naidu, 146
 Sarvodaya Samaj, 166
 Satyagraha campaign, 60
 Savarkar, 217
 Sayyid, Prof. Hafiz, 383, 384
 Scheduled Caste candidate, 115
 Scheduled Caste members, 88, 114, 131
 Scheduled Castes, 131, 142, 305, 307, 309, 310,
 314
 Searchlight, 193, 427
 Security Council, 22, 29, 394, 426
 Sen, Mr. Justice, 201
 Sen, Nishi Kanto, 125, 127, 128, 129, 130
 Sen, P.K., 231
 Sen, Dr. Prafulla Chandra, 66, 67, 113, 115, 141,
 154
 Seraikela, 32, 41, 42, 46, 69, 81, 90, 107
 Servants of the People Society, 205
 Services, recruitment in, 310-11, 315
 Sethi, Dev Raj, 95
 Sevagram, 386
 Shah, K.T., 238
 Shapurkar, K.V., 54
 Sharan, Chakradhar, 177, 223, 224
 Sharan, Ganga, 3
 Shukla, Pandit Ravi Shankar, 14, 15, 24, 32, 46,
 70, 414
 Sikh communalism, 165
 Sikh community, 27, 28, 29
 Sikh problems, settlement of, 97, 98, 101
 Sikh refugees, 391
 Sikhs, 22, 164, 165, 305, 306-7, 309, 310
 Simla, 110
 Sindhi population, 150
 Sindhis in Bombay Presidency, 149
 Singh, Sir C.P.N., 7
 Singh Sabha, Fazilka (Ferozpur District), 99
 Singhanian, Padampat, 70, 75
 Sinha, Bimal Chandra, 66, 187
 Sinha, Raja Bahadur Kamakhya Narayan, 191
 Sinha, Dr. Sachchidananda, 6, 36, 45, 46, 49, 60,
 69, 155, 156, 157, 158, 159, 160, 424
 Sinha, Satyanarayan, 203, 231, 426
 Sinha, Sri Krishna, 9, 20

- Sircar, Nalini, Ranjan, 65, 66, 112, 352
 Siromani Akali Dal, 195
 Sitaramayya, Dr. B. Pattabhi, 42, 231, 263, 431
 Small-scale industry, 35
 Small-scale production, 71
 Socialist leaders and workers, 199
 Socialist Party, 199
 South Calcutta Muhammadan Constituency, 132
 South Maratha States, 152
 Spinners' Association, 388
 Srinivasan, M.A., 238
 Srivastava, Sir J.P., 213, 214, 215
 Stamp duties, 375
 Standing Orders, Rules of Procedure and, 318, 320
 State Policy, Directive Principles of, 283
 Subbarayan, Dr. P., 231
 Sucha Singh, Mahant, 100
 Sugar, 365-66
 Suhrawardy, H.S., 102, 104
 Sundaram, V.S., 352
 Sundarban area, settlement operations in, 136
 Supreme Court, 250, 253, 255, 258, 259, 290-91, 296-301
 Supreme Court, jurisdiction and powers of, 255-57, 297-99
 Supreme Court, Report of the Ad hoc Committee of the Constituent Assembly on, 296-301
 Swaraj Bhavan, 423
 Swatantra Party leader, 55
 Sykes, Marjorie, 383, 408
 Tagore, Rabindranath, 39, 419
 Tamil Nadu, 89
 Tandon, Purushottamdas, 319, 412
 Tata, J.R.D., 52
 Tata's collieries, strike in, 64
 Taxation, exemption of, 343
 Taxation, residuary powers of, 343
 Taxes, 73, 330, 357, 359; *see also* Income-tax
 Taxes, Agricultural Income and Property, 338
 Taxes for Centre and Units, 333
 Taxes on income, 375
 Taxes on railway fares and freights, 334
 Taxes, rates of, 349
 Taxes, shares in, 334
 Taxes, terminal, 336, 375
 Telephone revenue, 369
 Telugu language, abolition of, 89
 Tennyson, Hallam, 408
 Thakkar, A.V., 82, 417; *see also* Bapa, Thakkar
 Tobacco, 340, 366-67
 Transitional provisions, 294-96
 Tripathi, N.P., 33
 Ujjal Singh, 231
 Union Constitution, 324; *see also* Constitution
 Union Constitution Committee, 238, 260-63, 279, 288
 Union Powers Committee, 229, 261-63, 292, 301-3, 350
 United Council for Relief and Welfare, 82
 United Kingdom, 188, 391
 United Nations Charter, 390
 United Nations Organisation, 7, 8, 71, 264
 United Provinces, 142, 152, 171, 240, 280, 305, 332, 357; Government of, 207
 United States of America, Constitution of, 239, 279, 337, 417
 Upper House, 235, 236, 237, 248, 279, 344
 Utkal Sammilani, 81
 Utkal University, 42
 Vardachariar, S., 259, 301
 Varma, Phulan Prasad, 231, 426
 Vegetable products, 367-68
 Venkataramani, K., 159, 160
 Vice-President (of India), 245, 285-86
 Vichitrnarain, 146, 158
 Vietnam, 7, 8
 Vinobaji, 166; *see also* Bhawe, Vinoba
 Wadia, Sophia, 408
 Wardha, 45, 60, 64, 122, 130, 145, 147, 151, 158, 159, 160, 161, 162, 166, 168, 173, 205, 413, 423
 Wavell, Lord, 80, 388
 West Bengal, 37, 38, 46, 66, 68, 88, 91, 92, 115, 120, 121, 126, 127, 128, 131, 132, 134, 163, 190, 200, 225, 240, 280, 305, 326, 332, 335, 337, 350, 357, 359, 361, 376, 433, 434
 West Bengal Assembly, 18
 West Bengal Congress Assembly Party, 186, 204, 206, 401
 West Bengal Congress Committee, 92, 93
 West Bengal Government, 61
 West Bengal Legislative Assembly, 103, 104, 115
 West Punjab, 27, 28, 43, 44, 95, 96, 110, 116, 120, 127, 186, 390, 392
 West Punjab Legislative Assembly, 43
 West Punjab refugees, 116

- Working Committee, 3, 4, 5, 9, 15, 35, 36, 50, 51, 52, 62, 79, 82, 84, 117, 122, 130, 139, 140, 161, 422, 423, 425, 426, 428: *see also* Congress Working Committee
- World Pacifist Meeting, 75, 148, 149, 384, 416, 418, 419
- Yavans*, 403
- Zaidi, B.H., 238
- Zamindari, abolition of, 170
- Zamindari, acquisition of, 171
- Zamindari Acquisition Bill, 168, 193